

THE  
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES

PASSED AT THE

THIRTY-SIXTH SESSION OF THE CALIFORNIA LEGISLATURE

1905

BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON FRIDAY, MARCH TENTH,  
NINETEEN HUNDRED AND FIVE



SACRAMENTO:

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# CONTENTS.

## LAWS.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
1	S. B. 1.	Leavitt	1	55	A. B. 26.	McCartney	49
2	A. B. 233.	Stanton	1	56	A. B. 25.	McCartney	50
3	S. B. 286.	Belshaw	2	57	A. B. 57.	Gates	52
4	S. B. 281.	French	2	58	A. B. 183.	Lumley	53
5	S. B. 287.	Belshaw	3	59	A. B. 112.	Houser	53
6	S. B. 230.	Coggins	4	60	A. B. 248.	Estudillo	54
7	A. B. 844.	Drew	5	61	S. B. 193.	Sanford	55
8	S. B. 57.	Hahn	5	62	S. B. 98.	Hahn	56
9	S. B. 20.	Mattos	6	63	S. B. 190.	Sanford	56
10	S. B. 220.	Belshaw	7	64	Sub S. B. 246	Anderson	57
11	S. B. 50.	Mattos	8	65	Sub S. B. 266	Rowell	58
12	S. B. 23.	Pendleton	8	66	S. B. 195.	Sanford	62
13	S. B. 6.	Pendleton	9	67	S. B. 529.	Savage	63
14	A. B. 53.	McGowan	9	68	S. B. 882.	Belshaw	66
15	S. B. 768.	Belshaw	10	69	S. B. 344.	Keane	67
16	A. B. 281.	Com. on W. & Means	10	70	S. B. 12.	French	68
17	A. B. 215.	Drew	11	71	S. B. 53.	Muenter	69
18	S. B. 82.	Wolfe	11	72	A. B. 192.	Weyand	70
19	S. B. 38.	Ward	15	73	A. B. 69.	Waste	70
20	S. B. 18.	Simpson	16	74	S. B. 116.	Simpson	72
21	S. B. 794.	Nelson	17	75	S. B. 92.	Hahn	73
22	S. B. 462.	Nelson	17	76	S. B. 395.	Lynch	74
23	S. B. 114.	Lukens	18	77	S. B. 60.	Irish	74
24	A. B. 211.	Severance	19	78	A. B. 345.	McGowan	75
25	S. B. 186.	Pendleton	20	79	A. B. 44.	McCartney	75
26	S. B. 77.	Sanford	20	80	A. B. 71.	Waste	76
27	S. B. 240.	Carter	21	81	A. B. 131.	McKenney	78
28	S. B. 16.	Leavitt	21	82	A. B. 435.	Cromwell	78
29	S. B. 218.	Selvage	22	83	A. B. 87.	Wickersham	79
30	S. B. 31.	Ward	23	84	A. B. 365.	McKenney	80
31	A. B. 101.	Treadwell	25	85	A. B. 217.	Waste	83
32	A. B. 6.	Cromwell	26	86	A. B. 300.	Cromwell	84
33	A. B. 407.	Lumley	27	87	A. B. 64.	Mindham	85
34	A. B. 122.	Atkinson	28	88	A. B. 1160.	Treadwell	85
35	A. B. 20.	McCartney	29	89	S. B. 88.	Mattos	88
36	S. B. 27.	Sanford	31	90	S. B. 117.	Simpson	88
37	S. B. 143.	Simpson	33	91	S. B. 243.	Mattos	90
38	A. B. 1163.	Jones of S. F.	34	92	S. B. 888.	Belshaw	91
39	S. B. 241.	Carter	34	93	S. B. 64.	Carter	91
40	S. B. 125.	Greenwell	36	94	S. B. 68.	Bauer	92
41	S. B. 363.	Leavitt	37	95	S. B. 364.	Leavitt	93
42	S. B. 11.	Wolfe	38	96	S. B. 105.	Woodward	94
43	A. B. 89.	Treadwell	38	97	S. B. 306.	Muenter	96
44	A. B. 30.	McCartney	39	98	S. B. 94.	Ward	96
45	A. B. 70.	Waste	40	99	S. B. 215.	Lukens	97
46	A. B. 45.	McCartney	41	100	A. B. 282.	Com. on W. & Means	97
47	A. B. 22.	McCartney	42	101	A. B. 1034.	Jury	98
48	A. B. 529.	Stanton	43	102	A. B. 1177.	Com. on W. & Means	99
49	A. B. 21.	McCartney	43	103	A. B. 658.	Waste	99
50	A. B. 127.	Johnstone	44	104	S. B. 519.	Muenter	100
51	A. B. 199.	Busick	44	105	S. B. 26.	Ward	100
52	A. B. 739.	Com. on Mun. Corp.	45	106	A. B. 285.	Com. on W. & Means	101
53	A. B. 47.	McCartney	47	107	A. B. 284.	Com. on W. & Means	102
54	A. B. 182.	Lumley	48	108	A. B. 189.	Chandler	102

## LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
109	A. B. 105.	Treadwell	103	176	A. B. 540.	Waste	170
110	A. B. 947.	Gates	103	177	A. B. 611.	O'Brien	171
111	A. B. 287.	Com. on W. & Means	107	178	A. B. 659.	Waste	171
112	A. B. 93.	Treadwell	108	179	A. B. 706.	Treadwell	173
113	A. B. 268.	McCartney	109	180	A. B. 902.	Olmsted	174
114	A. B. 243.	Treadwell	109	181	A. B. 918.	Burke	176
115	A. B. 296.	Bliss	111	182	A. B. 919.	Burke	177
116	A. B. 741.	Transue	113	183	S. B. 819.	McKee	177
117	A. B. 351.	Strobridge	114	184	S. B. 725.	McKee	178
118	A. B. 9.	Cooper	114	185	A. B. 297.	Slaven	180
119	A. B. 346.	Gates	115	186	A. B. 19.	McCartney	182
120	A. B. 111.	Houser	123	187	A. B. 439.	McGowan	183
121	A. B. 530.	Stanton	124	188	A. B. 965.	Transue	183
122	A. B. 978.	Com. on W. & Means	124	189	A. B. 909.	Burke	184
123	S. B. 691.	Rush	126	190	A. B. 935.	McCartney	184
124	A. B. 472.	Walsh	126	191	A. B. 860.	Olmsted	185
125	S. B. 229.	Woodward	128	192	A. B. 819.	Com. on Fish & Game	186
126	S. B. 10.	Diggs	128	193	A. B. 783.	Johnstone	189
127	S. B. 417.	Mattos	129	194	A. B. 779.	Johnstone	189
128	S. B. 40.	Simpson	130	195	A. B. 768.	Gans	190
129	S. B. 171.	Diggs	131	196	A. B. 709.	Com. on Education	190
130	S. B. 48.	Nelson	133	197	A. B. 413.	King	191
131	S. B. 223.	Woodward	134	198	A. B. 338.	Drew	192
132	S. B. 405.	Mattos	134	199	A. B. 270.	Dorsey	192
133	S. B. 741.	Lukens	136	200	A. B. 151.	Cleveland	193
134	S. B. 646.	Ward	137	201	A. B. 119.	Atkinson	194
135	A. B. 295.	Stanton	138	202	A. B. 118.	Atkinson	194
136	A. B. 294.	Stanton	138	203	A. B. 117.	Atkinson	195
137	A. B. 605.	Houser	139	204	A. B. 68.	Arnerich	195
138	A. B. 583.	Held	139	205	A. B. 564.	Rolley	196
139	A. B. 40.	McCartney	140	206	S. B. 279.	Emmons	196
140	A. B. 677.	Jones of S. F.	140	207	S. B. 403.	McKee	197
141	A. B. 542.	Waste	141	208	S. B. 866.	Muenter	197
142	A. B. 584.	Held	141	209	S. B. 499.	McKee	198
143	A. B. 649.	Whiting	142	210	S. B. 728.	McKee	199
144	A. B. 302.	Cromwell	143	211	S. B. 752.	Welch	199
145	A. B. 821.	Mindham	143	212	S. B. 813.	McKee	200
146	A. B. 770.	Gans	144	213	S. B. 885.	Selvae	200
147	A. B. 769.	Gans	145	214	S. B. 717.	Coggins	203
148	A. B. 476.	Manwell	145	215	A. B. 288.	Com. on W. & Means	204
149	S. B. 385.	Simpson	145	216	A. B. 457.	McCartney	205
150	S. B. 62.	Curtin	146	217	A. B. 152.	Beardslee	206
151	S. B. 242.	Keane	147	218	A. B. 81.	Estudillo	206
152	S. B. 257.	Sanford	147	219	A. B. 191.	Dorsey	207
153	S. B. 325.	Lukens	148	220	A. B. 286.	Com. on W. & Means	207
154	S. B. 376.	Com. on Code Rev.	148	221	A. B. 290.	Com. on W. & Means	208
155	A. B. 98.	Treadwell	150	222	A. B. 315.	Dorsey	208
156	A. B. 204.	Transue	151	223	A. B. 471.	Waste	209
157	S. B. 33.	Wolfe	152	224	A. B. 617.	Treadwell	210
158	A. B. 291.	Goodrich	153	225	A. B. 745.	Stanton	210
159	S. B. 144.	Ward	154	226	A. B. 780.	Johnstone	211
160	S. B. 225.	Woodward	154	227	A. B. 782.	Johnstone	211
161	S. B. 334.	Lynch	155	228	A. B. 785.	Johnstone	212
162	S. B. 369.	Wolfe	155	229	A. B. 949.	Duryea	212
163	S. B. 460.	Selvae	156	230	A. B. 917.	Treadwell	213
164	S. B. 601.	Ralston	161	231	S. B. 787.	Simpson	214
165	S. B. 226.	Woodward	162	232	S. B. 606.	Carter	214
166	A. B. 156.	Espey	162	233	S. B. 539.	Lynch	215
167	A. B. 13.	O'Brien	164	234	S. B. 336.	Hahn	215
168	A. B. 92.	Treadwell	165	235	S. B. 254.	Com. on Code Rev.	216
169	A. B. 104.	Treadwell	165	236	S. B. 196.	Emmons	216
170	A. B. 162.	Pryor	166	237	A. B. 661.	Duryea	217
171	A. B. 201.	King	167	238	A. B. 784.	Johnstone	217
172	A. B. 232.	Branstetter	168	239	A. B. 519.	Branstetter	218
173	A. B. 283.	Com. on W. & Means	169	240	A. B. 137.	McKenney	218
174	A. B. 289.	Com. on W. & Means	169	241	A. B. 163.	Pryor	219
175	A. B. 534.	Treadwell	170	242	A. B. 161.	Pryor	219

CONTENTS.

V

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.....	Chap. No.	Bill Number.	Author.	Page.....
243	A. B. 91.	Treadwell	220	310	S. B. 797.	Sanford	327
244	A. B. 135.	McKenney	220	311	A. B. 886.	Creighton	333
245	A. B. 134.	McKenney	221	312	S. B. 217.	Curtin	335
246	A. B. 921.	Branstetter	222	313	A. B. 421.	Burge	338
247	A. B. 924.	Duryea	222	314	S. B. 514.	Lukens	341
248	A. B. 838.	Drew	223	315	A. B. 700.	Ells	352
249	A. B. 635.	McCartney	224	316	A. B. 742.	Burge	356
250	A. B. 786.	Johnstone	224	317	S. B. 751.	Rambo	358
251	A. B. 123.	Johnstone	225	318	S. B. 770.	Irish	361
252	A. B. 164.	Pryor	226	319	A. B. 908.	Slaven	363
253	S. B. 849.	Hahn	226	320	S. B. 828.	Selvage	365
254	S. B. 809.	Markey	227	321	A. B. 979.	Burge	366
255	S. B. 747.	Selvage	228	322	A. B. 1178.	McCartney	369
256	S. B. 733.	McKee	228	323	S. B. 561.	Irish	370
257	S. B. 718.	Coggins	229	324	Sub S. B. 576	Curtin	373
258	S. B. 701.	Lukens	231	325	A. B. 639.	Treadwell	374
259	S. B. 693.	Woodward	232	326	S. B. 757.	Ralston	376
260	S. B. 681.	McKee	233	327	S. B. 855.	Lukens	379
261	S. B. 675.	Curtin	234	328	A. B. 950.	Duryea	382
262	S. B. 664.	Ward	234	329	S. B. 793.	Lynch	385
263	S. B. 659.	Broughton	235	330	A. B. 793.	Dorsey	384
264	S. B. 638.	Anderson	235	331	A. B. 807.	Anthony	387
265	S. B. 599.	Lynch	241	332	S. B. 833.	Simpson	388
266	S. B. 262.	Lynch	242	333	A. B. 941.	Espey	388
267	S. B. 255.	Com. on Code Rev.	242	334	A. B. 1145.	Prescott	390
268	S. B. 178.	Coggins	243	335	A. B. 1150.	King	391
269	S. B. 101.	Hahn	243	336	A. B. 1153.	Transue	393
270	S. B. 115.	Simpson	244	337	A. B. 1156.	Stanton	394
271	S. B. 51.	Markey	244	338	A. B. 187.	Lumley	395
272	A. B. 43.	McCartney	245	339	A. B. 333.	Drew	396
273	A. B. 221.	Held	245	340	A. B. 339.	Drew	397
274	A. B. 753.	Mindham	246	341	A. B. 450.	Perkins	400
275	A. B. 1081.	Lynch	247	342	A. B. 914.	Johnson	400
276	A. B. 893.	Waste	248	343	A. B. 1055.	Drew	403
277	A. B. 1085.	Duryea	248	344	A. B. 744.	Stanton	404
278	A. B. 552.	Estudillo	249	345	A. B. 299.	Jury	406
279	A. B. 341.	Houser	251	346	A. B. 298.	Espey	408
280	A. B. 968.	Anthony	251	347	A. B. 334.	Drew	409
281	A. B. 1179.	Com. on W. & Means	252	348	A. B. 336.	Drew	410
282	A. B. 1159.	Com. on Int. of Bills.	253	349	A. B. 337.	Drew	410
283	A. B. 596.	O'Brien	253	350	A. B. 767.	Gans	411
284	A. B. 419.	Busick	254	351	A. B. 928.	Beardslee	412
285	A. B. 133.	McKenney	254	352	A. B. 34.	McCartney	416
286	S. B. 382.	Coggins	255	353	A. B. 389.	Drew	417
287	A. B. 820.	Com. on Fish & Game	255	354	A. B. 679.	Espey	422
288	A. B. 765.	Gans	258	355	A. B. 776.	Stanton	423
289	A. B. 766.	Gans	285	356	A. B. 873.	Prescott	424
290	S. B. 620.	Ward	294	357	A. B. 99.	Treadwell	428
291	S. B. 150.	Wolfe	295	358	A. B. 401.	Chandler	429
292	S. B. 445.	Broughton	296	359	A. B. 458.	Pyle	430
293	A. B. 631.	Johnstone	297	360	A. B. 619.	Amerige	430
294	A. B. 900.	Olmsted	299	361	A. B. 685.	Manwell	432
295	A. B. 536.	Estudillo	301	362	A. B. 686.	Manwell	433
296	S. B. 715.	Lukens	304	363	A. B. 830.	Estudillo	433
297	S. B. 17.	Savage	307	364	A. B. 839.	Drew	435
298	S. B. 608.	Emmons	308	365	A. B. 848.	Lumley	439
299	A. B. 647.	Perkins	310	366	A. B. 916.	Treadwell	441
300	S. B. 736.	Greenwell	313	367	A. B. 937.	Manwell	441
301	A. B. 789.	Creighton	315	368	A. B. 1082.	Com. on S. & O. L.	443
302	A. B. 50.	Branstetter	316	369	A. B. 51.	Branstetter	462
303	S. B. 440.	Welch	317	370	A. B. 168.	Jury	467
304	A. B. 800.	Gates	318	371	A. B. 233.	Branstetter	468
305	A. B. 955.	Houser	319	372	A. B. 320.	Dorsey	470
306	S. B. 169.	Coggins	320	373	A. B. 325.	King	471
307	S. B. 666.	Wolfe	322	374	A. B. 417.	Busick	475
308	S. B. 694.	Hahn	323	375	A. B. 578.	Lynch	476
309	S. B. 769.	Irish	325	376	A. B. 758.	Devlin	476

## LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
377	A. B. 835.	Burke	477	444	A. B. 493.	Drew	602
378	A. B. 852.	Busick	477	445	A. B. 494.	Drew	603
379	A. B. 849.	Lumley	482	446	A. B. 495.	Drew	604
380	A. B. 876.	Cooper	485	447	A. B. 496.	Drew	604
381	A. B. 922.	Branstetter	487	448	A. B. 498.	Drew	605
382	A. B. 993.	Held	488	449	A. B. 499.	Drew	607
383	A. B. 412.	Johnstone	488	450	A. B. 500.	Drew	610
384	A. B. 1141.	Com. on S. P. & R. I.	491	451	A. B. 501.	Drew	610
385	A B 1180.	Com. on Rev. & R. of L.	491	452	A. B. 502.	Drew	611
386	S. B. 547.	Hahn	493	453	A. B. 503.	Drew	613
387	S. B. 269.	Rush	495	454	A. B. 504.	Drew	614
388	S. B. 188.	Rush	496	455	A. B. 505.	Drew	615
389	S. B. 438.	Ward	498	456	A. B. 506.	Drew	615
390	S. B. 309.	Lukens	499	457	A. B. 507.	Drew	616
391	S. B. 415.	Lukens	500	458	A. B. 508.	Drew	616
392	S. B. 591.	Simpson	502	459	A. B. 509.	Drew	617
393	S. B. 682.	Woodward	504	460	A. B. 510.	Drew	617
394	S. B. 667.	Rush	506	461	A. B. 511.	Drew	618
395	S. B. 231.	Muenter	507	462	A. B. 512.	Drew	620
396	S. B. 774.	Ward	510	463	A. B. 513.	Drew	621
397	S. B. 810.	Pendleton	511	464	A. B. 514.	Drew	621
398	S. B. 353.	Coggins	520	465	A. B. 515.	Drew	622
399	S. B. 592.	Belshaw	520	466	A. B. 516.	Drew	622
400	S. B. 237.	Irish	523	467	A. B. 576.	Lynch	623
401	S. B. 798.	Selvage	524	468	A. B. 602.	Aikinson	625
402	S. B. 669.	Belshaw	528	469	A. B. 687.	Drew	627
403	S. B. 333.	Lynch	532	470	A. B. 746.	Bates	628
404	S. B. 510.	Coggins	532	471	A. B. 879.	Com. on R. & R. of Law	630
405	S. B. 677.	Irish	533	472	A. B. 885.	Drew	632
406	S. B. 367.	Lukens	535	473	A. B. 915.	Treadwell	633
407	S. B. 631.	Ralston	544	474	A. B. 1077.	Walsh	634
408	S. B. 788.	Rambo	546	475	A. B. 1171.	McCartney	634
409	S. B. 248.	Bauer	549	476	S. B. 14.	Hahn	635
410	S. B. 528.	Anderson	550	477	S. B. 91.	Hahn	637
411	S. B. 850.	Rambo	551	478	S. B. 120.	Com. on Code Rev.	638
412	A. B. 1018.	Manwell	552	479	S. B. 126.	Com. on Code Rev.	639
413	A. B. 216.	Drew	553	480	S. B. 134.	Com. on Code Rev.	645
414	A. B. 264.	Drew	554	481	S. B. 135.	Com. on Code Rev.	646
415	A. B. 266.	Drew	555	482	S. B. 136.	Com. on Code Rev.	646
416	A. B. 331.	Drew	556	483	S. B. 137.	Com. on Code Rev.	647
417	A. B. 332.	Drew	560	484	S. B. 139.	Com. on Code Rev.	647
418	A. B. 335.	Drew	563	485	S. B. 141.	Com. on Code Rev.	648
419	A. B. 357.	Stanton	564	486	S. B. 142.	Com. on Code Rev.	649
420	A. B. 385.	Drew	570	487	S. B. 151.	Com. on Code Rev.	649
421	A. B. 386.	Drew	571	488	S. B. 152.	Com. on Code Rev.	650
422	A. B. 388.	Drew	571	489	S. B. 153.	Com. on Code Rev.	650
423	A. B. 390.	Drew	574	490	S. B. 154.	Com. on Code Rev.	651
424	A. B. 391.	Drew	576	491	S. B. 155.	Com. on Code Rev.	652
425	A. B. 392.	Drew	576	492	S. B. 156.	Com. on Code Rev.	652
426	A. B. 394.	Drew	577	493	S. B. 157.	Com. on Code Rev.	653
427	A. B. 395.	Drew	578	494	S. B. 158.	Com. on Code Rev.	653
428	A. B. 396.	Drew	579	495	S. B. 159.	Com. on Code Rev.	654
429	A. B. 398.	Drew	580	496	S. B. 160.	Com. on Code Rev.	655
430	A. B. 399.	Drew	581	497	S. B. 161.	Com. on Code Rev.	655
431	A. B. 456.	Ells	582	498	S. B. 162.	Com. on Code Rev.	656
432	A. B. 479.	Drew	584	499	S. B. 164.	Com. on Code Rev.	657
433	A. B. 480.	Drew	587	500	S. B. 165.	Com. on Code Rev.	657
434	A. B. 481.	Drew	590	501	S. B. 166.	Com. on Code Rev.	658
435	A. B. 483.	Drew	592	502	S. B. 167.	Com. on Code Rev.	658
436	A. B. 485.	Drew	594	503	S. B. 252.	Com. on Code Rev.	658
437	A. B. 486.	Drew	594	504	S. B. 295.	Shortridge	659
438	A. B. 487.	Drew	599	505	S. B. 359.	Keane	666
439	A. B. 488.	Drew	599	506	S. B. 375.	Com. on Code Rev.	667
440	A. B. 489.	Drew	600	507	S. B. 410.	Com. on Code Rev.	668
441	A. B. 490.	Drew	600	508	S. B. 411.	Com. on Code Rev.	668
442	A. B. 491.	Drew	601	509	S. B. 413.	Com. on Code Rev.	669
443	A. B. 492.	Drew	602	510	S. B. 414.	Com. on Code Rev.	669

CONTENTS.

vii

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
511	S. B. 426.	Sanford	670	563.	A. B. 1157.	Com. on Ways & M.	729
512	S. B. 431.	Com. on Code Rev.	672	564.	S. B. 799.	Leavitt	746
513	S. B. 433.	Com. on Code Rev.	672	565.	A. B. 484.	Drew	753
514	S. B. 435.	Com. on Code Rev.	673	566.	A. B. 963.	Stanton	754
515	S. B. 436.	Com. on Code Rev.	673	567.	S. B. 432.	Com. on Code Rev.	757
516	S. B. 437.	Com. on Code Rev.	675	568.	S. B. 163.	Com. on Code Rev.	758
517	S. B. 448.	Rush	676	569.	S. B. 481.	Com. on Code Rev.	761
518	S. B. 451.	Com. on Code Rev.	678	570.	S. B. 475.	Com. on Code Rev.	762
519	S. B. 453.	Com. on Code Rev.	679	571.	S. B. 484.	Com. on Code Rev.	763
520	S. B. 454.	Com. on Code Rev.	682	572.	S. B. 412.	Com. on Code Rev.	764
521	S. B. 456.	Com. on Code Rev.	683	573.	S. B. 434.	Com. on Code Rev.	766
522	S. B. 457.	Com. on Code Rev.	683	574.	S. B. 477.	Com. on Code Rev.	772
523	S. B. 458.	Com. on Code Rev.	684	575.	S. B. 140.	Com. on Code Rev.	774
524	S. B. 467.	Com. on Code Rev.	687	576.	A. B. 383.	Drew	774
525	S. B. 468.	Com. on Code Rev.	687	577.	A. B. 1126.	Drew	776
526	S. B. 469.	Com. on Code Rev.	688	578.	S. B. 174.	Broughton	777
527	S. B. 470.	Com. on Code Rev.	689	579.	A. B. 157.	Espey	780
528	S. B. 471.	Com. on Code Rev.	689	580.	S. B. 632.	Selvaige	784
529	S. B. 473.	Com. on Code Rev.	691	581.	A. B. 634.	Devlin	785
530	S. B. 474.	Com. on Code Rev.	693	582.	A. B. 752.	Goodrich	785
531	S. B. 476.	Com. on Code Rev.	693	583.	S. B. 821.	Selvaige	786
532	S. B. 478.	Com. on Code Rev.	695	584.	S. B. 406.	Selvaige	787
533	S. B. 479.	Com. on Code Rev.	696	585.	S. B. 35.	Wright	787
534	S. B. 480.	Com. on Code Rev.	697	586.	S. B. 148.	Lynch	788
535	S. B. 482.	Com. on Code Rev.	697	587.	S. B. 133.	Lynch	789
536	S. B. 483.	Com. on Code Rev.	697	588.	S. B. 245.	Coggins	789
537	S. B. 485.	Com. on Code Rev.	698	589.	S. B. 264.	Coggins	790
538	S. B. 486.	Com. on Code Rev.	700	590.	S. B. 288.	Belshaw	790
539	S. B. 487.	Com. on Code Rev.	701	591.	S. B. 302.	Wolfe	791
540	S. B. 488.	Com. on Code Rev.	702	592.	S. B. 324.	Lukens	791
541	S. B. 489.	Com. on Code Rev.	703	593.	S. B. 366.	McKee	792
542	S. B. 490.	Com. on Code Rev.	704	594.	S. F. 464.	Leeke	792
543	S. B. 492.	Com. on Code Rev.	705	595.	S. B. 498.	McKee	793
544	S. B. 493.	Com. on Code Rev.	706	596.	S. B. 679.	Ralston	796
545	S. B. 494.	Com. on Code Rev.	707	597.	S. B. 508.	Muenter	797
546	S. B. 495.	Com. on Code Rev.	709	598.	S. B. 696.	Rowell	797
547	S. B. 497.	Com. on Code Rev.	709	599.	S. B. 680.	McKee	798
548	S. B. 518.	Lukens	710	600.	S. B. 373.	Selvaige	799
549	S. B. 548.	Com. on Code Rev.	711	601.	A. B. 136.	McKenney	800
550	S. B. 554.	Woodward	711	602.	A. B. 402.	Treadwell	800
551	S. B. 555.	Savage	715	603.	A. B. 169.	Pfaffle	801
552	S. B. 598.	Diggs	717	604.	A. B. 550.	King	801
553	S. B. 614.	Com. on Code Rev.	718	605.	A. B. 731.	McCartney	802
554	S. B. 615.	Com. on Code Rev.	718	606.	A. B. 762.	Cromwell	803
555	S. B. 640.	Belshaw	719	607.	A. B. 862.	Com. on P. B. & G.	803
556	S. B. 734.	Lynch	721	608.	A. B. 905.	Johnstone	804
557	S. B. 750.	Com. on Code Rev.	723	609.	A. B. 1174.	Dorsey	805
558	S. B. 763.	Com. on Code Rev.	724	610.	A. B. 160.	Espey	806
559	S. B. 883.	Leavitt	724	611.	S. B. 778.	Lukens	815
560	A. B. 497.	Drew	725	612.	S. B. 600.	Shortridge	816
561	A. B. 94.	Treadwell	727	613.	S. B. 852.	Markey	823
562	A. B. 265.	Drew	728				

JOINT RESOLUTIONS.

Chap.	Number.	Author.	Page.	Chap.	Number.	Author.	Page.
1	S. 1	Woodward	827	22	S. 6	Savage	1025
3	S. 7	Hahn	828	24	S. 10	Woodward	1060
9	A. 5	Devlin	866	27	S. 9	Shortridge	1063
13	A. 1	Slaven	929	43	A. 10	Jones of Tuolumne	1074
16	A. 6	Prescott	979	44	A. 8	Busick	1075

## CONCURRENT RESOLUTIONS.

Chap.	Number.	Author.	Page.	Chap.	Number.	Author.	Page.
2	A. 1.....	Goodrich.....	828	19	A. 13.....	O'Brien.....	1010
4	S. 8.....	Belshaw.....	829	20	A. 18.....	Goodrich.....	1011
5	A. 3.....	Waste.....	829	21	S. 14.....	Shortridge.....	1024
6	S. 3.....	Carter.....	831	23	S. 15.....	Rowell.....	1026
7	S. 7.....	Curtin.....	831	29	A. 24.....	Com. on W. & Means.....	1065
8	S. 4.....	Muenter.....	832	30	A. 20.....	Busick.....	1065
10	S. 12.....	Woodward.....	869	31	A. 22.....	Olmsted.....	1066
11	S. 10.....	Ward.....	901	32	A. 19.....	Creighton.....	1066
12	S. 5.....	McKee.....	924	34	A. 21.....	Prescott.....	1067
14	A. 5.....	Pyle.....	929	35	A. 25.....	Stanton.....	1068
15	A. 12.....	Prescott.....	940	36	A. 28.....	Com. on Rules & R.....	1069
17	A. 14.....	Goodrich.....	980	42	A. 27.....	Mitcheltree.....	1074
18	A. 9.....	Houser.....	980				

## PROPOSED CONSTITUTIONAL AMENDMENTS.

Chap.	Number.	Author.	Page.	Chap.	Number.	Author.	Page.
25	S. 38.....	Carter.....	1062	38	S. 14.....	Selvage.....	1070
26	S. 2.....	Wolfe.....	1063	39	S. 20.....	Ralston.....	1071
28	A. 14.....	Transue.....	1064	40	A. 5.....	Jones of S. F.....	1072
33	A. 13.....	Transue.....	1067	41	A. 12.....	McCartney.....	1073
37	A. 11.....	McCartney.....	1069	45	S. 40.....	Com. Sub. for 4, 15 & 23.....	1075



## LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF THE SUPREME COURT AND DISTRICT COURTS OF APPEAL, SENATORS, MEMBERS OF THE ASSEMBLY, AND OF OFFICERS OF BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

### STATE OFFICERS.

Name.	Official Position.	Residence.
George C. Pardee.....	Governor.....	Oakland.
J. Alden Anderson.....	Lieutenant-Governor.....	Suisun.
C. F. Curry.....	Secretary of State.....	San Francisco.
E. P. Colgan.....	Controller.....	Santa Rosa.
Truman Reeves.....	Treasurer.....	San Bernardino.
U. S. Webb.....	Attorney-General.....	Quincy.
Victor H. Woods.....	Surveyor-General.....	San Luis Obispo.
Thomas J. Kirk.....	Superintendent of Public Instruction.....	Fresno.
W. W. Shannon.....	Superintendent of State Printing.....	San Francisco.
J. B. Leluck.....	Adjutant-General.....	Oakland.
A. B. Nye.....	Private Secretary to the Governor.....	Oakland.
J. A. Elston.....	Executive Secretary to the Governor.....	Berkeley.
James L. Gillis.....	State Librarian.....	Sacramento.

### STATE BOARD OF EQUALIZATION.

Capitol, Sacramento.

Name.	District.	Residence.
William H. Alford.....	First.....	San Francisco.
Alex. Brown (Pres.).....	Second.....	Milton.
R. H. Beamer.....	Third.....	Woodland.
Frank Mattison.....	Fourth.....	Santa Cruz.
E. P. Colgan.....	Ex officio.....	Santa Rosa.
Charles M. Coglean.....	Secretary.....	Sacramento.

### RAILROAD COMMISSIONERS.

Ferry Building, San Francisco.

Name.	District.	Residence.
A. C. Irwin (President).....	First.....	Marysville.
Adam Andrew.....	Second.....	San Francisco.
Orrin S. Henderson.....	Third.....	Stockton.
Judson C. Brusie.....	Secretary.....	San Francisco.

LIST OF OFFICERS.

SUPREME COURT.  
Parrott Building, San Francisco.

Name.	Official Position.	Residence.
W. H. Beatty .....	Chief Justice .....	San Francisco.
Frederick W. Henshaw .....	Associate Justice .....	Oakland.
Walter Van Dyke .....	Associate Justice .....	Los Angeles.
Thomas B. McFarland .....	Associate Justice .....	San Francisco.
F. M. Angellotti .....	Associate Justice .....	San Rafael.
Lucien Shaw .....	Associate Justice .....	Los Angeles.
William G. Lorigan .....	Associate Justice .....	San José.
Frank C. Jordan .....	Clerk .....	Oakland.

JUSTICES OF THE DISTRICT COURTS OF APPEAL.

FIRST APPELLATE DISTRICT.  
Parrott Building, San Francisco.

Name.	Official Position.	Residence.
Ralph C. Harrison .....	Presiding Justice .....	San Francisco.
S. P. Hall .....	Justice .....	Oakland.
J. A. Cooper .....	Justice .....	San Francisco.
A. W. Johnson .....	Clerk .....	San Francisco.

SECOND APPELLATE DISTRICT.  
Bullard Block, Los Angeles.

Wheaton A. Gray .....	Presiding Justice .....	Visalia.
George H. Smith .....	Justice .....	Los Angeles.
M. T. Allen .....	Justice .....	Los Angeles.
W. D. Shearer .....	Clerk .....	Los Angeles.

THIRD APPELLATE DISTRICT.  
Capitol, Sacramento.

N. P. Chipman .....	Presiding Justice .....	Red Bluff.
C. E. McLaughlin .....	Justice .....	Quincy.
A. J. Buckles .....	Justice .....	Suisun.
H. W. Wood .....	Clerk .....	Sutter Creek.

## LIST OF OFFICERS.

xi

## SENATORS—THIRTY-SIXTH SESSION, 1905.

J. ALDEN ANDERSON..... President of the Senate.  
 EDWARD I. WOLFE..... President pro tem. of the Senate.  
 LEWIS A. HILBORN..... Secretary of the Senate.

DIST.	Name.	Polit. Incl.	Counties.	Postoffice Address.
39	Anderson, John N.	R.	Riverside, Orange	Santa Ana.
22	Bauer, Hamilton A.	R.	San Francisco	503 California St., S. F.
9	Belshaw, Chas. M.	R.	Contra Costa, Marin	Antioch.
35	Broughton, H. A.	R.	Los Angeles	Pomona.
18	Bunkers, Harry A.	R.	San Francisco	1923 Mission St., S. F.
37	Carter, Henry E.	R.	Los Angeles	211 1/2 W. 2d St., L. A.
2	Coggins, Clifford	R.	Lassen, Modoc, Shasta, Siskiyou	La Moine, Shasta Co.
12	Curran, J. B.	D.	Madera, Mariposa, Merced, Stanislaus, Tuolumne	Sonora.
6	Diggs, Marshall	D.	Butte, Sutter, Yolo, Yuba	Marysville.
32	Emmons, E. J.	D.	Kern, Kings, Tulare	Bakersfield.
20	French, Frank	R.	San Francisco	230 Duncan St., S. F.
33	Greenwell, C. B.	R.	Santa Barbara, Ventura	Santa Barbara.
36	Hahn, Benj. W.	R.	Los Angeles	Pasadena.
24	Haskins, Philip J.	R.	San Francisco	1454 Leavenworth St., S. F.
3	Irish, John B.	R.	Nevada, Placer, Plumas, Sierra	Downsville.
23	Keane, George B.	R.	San Francisco	925 Hyde St., S. F.
16	Leavitt, Frank W.	R.	Alameda	928 Linden St., Oakland.
30	Leeke, Wm. T.	R.	San Bernardino, Inyo	Upland.
15	Lukens, G. R.	R.	Alameda	Oakland.
31	Lynch, Henry W.	R.	San Luis Obispo, Monterey, San Benito	Lynch, Cal.
17	Markey, Frank A.	R.	San Francisco	220 Shipley St., S. F.
13	Mattos, J. G., Jr.	R.	Alameda	Centerville.
7	McKee, James A.	R.	Sacramento	618 K St., Sacramento.
11	Muenter A. E.	R.	San Joaquin	Stockton.
25	Nelson, John H.	R.	San Francisco	133 Pfeiffer St., S. F.
38	Pendleton, C. W.	R.	Los Angeles	Los Angeles.
10	Ralston, Wm. C.	R.	Alpine, Amador, Calaveras, El Dorado, Mono	Melones.
29	Rambo, Samuel H.	R.	San Mateo, Santa Cruz	Boulder Creek.
26	Rowell, Chester	R.	Fresno	Fresno.
5	Rush, Benj. F.	R.	Napa, Solano	Suisun.
4	Sanford, J. B.	D.	Colusa, Glenn, Lake, Mendocino	Ukiah.
34	Savage, Wm. H.	R.	Los Angeles	San Pedro.
1	Selva, Thos. H.	R.	Del Norte, Humboldt, Tehama, Trinity	Eureka.
28	Shortridge, Chas M.	R.	Santa Clara	San José.
14	Simpson, M. W.	R.	Alameda	Alameda.
40	Ward, M. L.	R.	San Diego	San Diego.
19	Welch, Richard J.	R.	San Francisco	1033 1/2 Shotwell St., S. F.
21	Wolfe, Edward I.	R.	San Francisco	700 Broderick St., S. F.
8	Woodward, E. F.	R.	Sonoma	Santa Rosa.
27	Wright, Eli	R.	Santa Clara	San José.

## OFFICERS OF THE SENATE.

Name.	Official Position.
J. Alden Anderson, of Suisun	President.
Edward I. Wolfe, of San Francisco	President pro tem.
Lewis A. Hilborn, of San Francisco	Secretary.
Fred L. Thomas, of San José	Assistant Secretary.
J. W. Harper, of Suisun	Assistant Secretary.
W. H. Wright, of San Gabriel	Assistant Secretary.
J. Louis Martin, of San Francisco	Sergeant-at-Arms.
D. G. Holt, of Santa Monica	Minute Clerk.
F. W. Cooke, of Healdsburg	Journal Clerk.
Elmer F. Johnson, of Alameda	Engrossing and Enrolling Clerk.
Charles E. Canfield, of Santa Cruz	History Clerk.
Miss Bess Woodward, of Santa Rosa	Postmistress.
Rev. W. S. Hoskinson, of Sacramento	Chaplain.

## MEMBERS OF THE ASSEMBLY—THIRTY-SIXTH SESSION, 1905.

FRANK C. PRESCOTT ..... Speaker of the Assembly.  
 THOS. E. ATKINSON ..... Speaker pro tem. of the Assembly.  
 CLIO LLOYD ..... Chief Clerk of the Assembly.

Dist.	Name.	Pol. Pos.	Counties.	Postoffice Address.
77	Amerige, E. R.	R.	Orange	Fullerton.
43	Anthony, Marc	R.	San Francisco	123 Eddy St., S. F.
55	Arnerich, Paul J.	R.	Santa Clara	Los Gatos.
39	Atkinson, Thos. E.	R.	San Francisco	713 Market St., S. F.
79	Barnes, F. W.	R.	San Diego	Pacific Beach.
47	Bates, J. Clem.	R.	Alameda	2017 R. R. Av., Alameda.
23	Beardslee, R. L.	R.	San Joaquin	Stockton.
58	Beckett, Samuel H.	R.	San Francisco	1854 Gold'n Gate Av., S. F.
50	Bliss, John A.	R.	Alameda	1902 Teleg'ph Av., Oak'd.
32	Boyle, Patrick J.	R.	San Francisco	915A Illinois St., S. F.
3	Branstetter, Louis P.	R.	Humboldt	Ferridale.
25	Burge, S. S.	R.	Madera, Merced, Stanislaus	Merced.
49	Burke, John J.	R.	Alameda	822 Magnolia St., Oakl'd.
17	Busick, Charles O.	R.	Sacramento	Sacramento.
60	Chandler, W. F.	R.	Fresno	Selma.
54	Cleveland, Geo. C.	R.	Santa Cruz	Watsonville.
41	Coghlan, Nathan C.	R.	San Francisco	2861 Octavia St., S. F.
59	Cooper, J. B. R.	R.	Monterey	Monterey.
1	Coyle, James L.	R.	Del Norte, Trinity, Siskiyou	Hornbrook.
4	Creighton, J. H.	R.	Lassen, Modoc, Shasta	Redding.
13	Cromwell, F. A.	R.	Sonoma	Petaluma.
29	Cullen, John A.	R.	San Francisco	7 Ritch St., S. F.
20	Devlin, Frank R.	R.	Solano	Vallejo.
66	Dorsey, Jesse R.	R.	Kern	Bakersfield.
61	Drew, A. M.	R.	Fresno	Fresno.
10	Duryea, Frank A.	R.	Placer	Lincoln.
22	Ells, Harry	R.	Contra Costa	Stege.
51	Espey, R. H. E.	R.	Alameda	1303 7th Av., Oakland.
78	Estudillo, Miguel	R.	Riverside	Riverside.
5	Gans, H. S.	R.	Tehama, Sierra, Plumas	Red Bluff.
7	Gates, Dr. W. F.	R.	Butte	Oroville.
67	Goodrich, John A.	R.	Los Angeles	Pasadena.
40	Hartman, Gus	R.	San Francisco	1345 Gough St., S. F.
16	Hawkins, N. A.	D.	Yolo	Woodland.
6	Held, W. D. L.	R.	Mendocino	Ukiah.
74	Houser, Fred W.	R.	Los Angeles	Los Angeles.
56	Jarvis, Ward	R.	Santa Clara	Santa Clara.
63	John, Warren M.	R.	San Luis Obispo	San Luis Obispo.
80	Johnson, Percy A.	R.	San Diego	Fallbrook.
68	Johnstone, W. A.	R.	Los Angeles	San Dimas.
26	Jones, C. V.	D.	Tuolumne, Mariposa	Sonora.
37	Jones, Fred C.	R.	San Francisco	214 Steiner St., S. F.
53	Jury, R. H.	R.	San Mateo	San Mateo.
15	King, P. S.	R.	Napa	Napa.
31	Lucey, Jeremiah	R.	San Francisco	513 Brannan St., S. F.
27	Lumley, Aubrey M.	D.	Inyo, Tulare	Porterville.
19	Lynch, Edward J.	R.	Sacramento	Walsh's Station.
8	Manwell, E. T.	R.	Sutter, Yuba	Wheatland.
72	McCartney, H. S. G.	R.	Los Angeles	379 Wilson Block, L. A.
42	McGowan, Geo. A.	R.	San Francisco	492 Eddy St., S. F.
11	McKenney, C. H.	R.	Amador, Alpine, Calaveras, Mono	Ione.
30	McNamara, Francis	R.	San Francisco	53 Rausch St., S. F.
33	Meincke, Fred J.	R.	San Francisco	4298 Mission St., S. F.
28	Mindham, Wm. J.	R.	San Francisco	27 Tehama St., S. F.
57	Mitcheltree, Fayette	R.	Santa Clara	Palo Alto.
24	Moore, John W.	R.	San Joaquin	Undine.
18	O'Brien, Frank J.	R.	Sacramento	Sacramento.
21	Olmsted, S. H.	R.	Marin	San Rafael.
65	Perkins, David T.	R.	Ventura	Hueneme.
36	Pfaeffle, Eugene E.	R.	San Francisco	3 Guerrero St., S. F.
76	Prescott, Frank C.	R.	San Bernardino	Redlands.
62	Pryor, John F.	D.	Kings	Hanford.
64	Pyle, E. M.	R.	Santa Barbara	Santa Barbara.

## MEMBERS OF THE ASSEMBLY—Continued.

Dist.	Name.	Pol- tics.	Counties.	Postoffice Address.
2	Rolley, George T.	R.	Humboldt	Eureka.
34	Severance, Fred V.	R.	San Francisco	221 Clipper St., S. F.
58	Slaven, James	R.	San Benito	San Juan.
71	Stanton, Philip A.	R.	Los Angeles	316 W. Third St., L. A.
46	Strobridge, E. K.	R.	Alameda	Haywards.
45	Strohl, Louis	R.	San Francisco	620 Green St., S. F.
69	Thompson, N. W.	R.	Los Angeles	Alhambra.
73	Transue, J. P.	R.	Los Angeles	1233 Trenton St., L. A.
35	Treadwell, Edw. F.	R.	San Francisco	1004 Dolores St., S. F.
14	Tripp, H. L.	R.	Sonoma	Santa Rosa.
44	Vogel, Mel	R.	San Francisco	919 Powell St., S. F.
48	Walsh, Philip M.	R.	Alameda	1103½ Broadway, Oak'l'd.
52	Waste, Wm. H.	R.	Alameda	2222 Durant Av, Berk'l'y
12	Weyand, Ernest	R.	Colusa, Glenn, Lake.	Colusa.
9	Whiting, Edw. F.	R.	Nevada	Grass Valley.
70	Wickersham, W. H.	R.	Los Angeles	San Pedro.

## OFFICERS OF THE ASSEMBLY.

Name.	Official Position.
Frank C. Prescott, of Redlands	Speaker.
Thos. E. Atkinson, of San Francisco	Speaker pro tem.
Clio Lloyd, of Santa Barbara	Chief Clerk.
T. G. Walker, of Watsonville	Assistant Clerk.
Chas. A. Thompson, of San José	Assistant Clerk.
Ed Hinkle, of San Diego	Assistant Clerk.
C. W. Kyle, of San Francisco	Assistant Clerk.
J. T. Stafford, of Sacramento	Sergeant-at-Arms.
J. Steppacher, of San Francisco	Minute Clerk.
R. L. Dempsey, of San Luis Obispo	Journal Clerk.
J. J. Murphy, of Santa Rosa	Engrossing and Enrolling Clerk.
Percy Hight, of San Bernardino	History Clerk.
Mrs. Pauline Smith, of San Francisco	Postmistress.
Rev. George C. King, of Napa	Chaplain.

## COMMISSIONERS OF DEEDS.

Name.	Residence.	Term Expires.
<b>Connecticut.</b>		
Livingston W. Cleveland	New Haven	Aug. 19, 1907
<b>District of Columbia.</b>		
Charles S. Bundy	Washington	Dec. 18, 1906
Anson S. Taylor	Washington	Feb. 26, 1907
John E. Mitchell	Washington	April 16, 1908
<b>Illinois.</b>		
Simeon W. King	Chicago	June 21, 1905
Silas S. Willard	Chicago	Jan. 23, 1907
<b>Louisiana.</b>		
M. C. Soniat	New Orleans	May 15, 1906
John G. Eustis	New Orleans	Feb. 12, 1907
<b>Maine.</b>		
George F. McQuillan	Portland	April 19, 1908
<b>Maryland.</b>		
T. Howard Embert	Baltimore	Aug. 30, 1905
Harry C. Mathiew	Baltimore	Sept. 13, 1906
<b>Massachusetts.</b>		
Chas. Hall Adams	Boston	Feb. 5, 1907
Sanborn Gove Tenney	Williamstown	May 21, 1907
Edward J. Jones	Boston	Feb. 9, 1908
<b>Missouri.</b>		
John A. Peck	St. Louis	Feb. 4, 1907
Harold Johnson	St. Louis	April 28, 1907
<b>New York.</b>		
Ella F. Braman	New York City	April 29, 1905
S. B. Goodale	New York City	June 8, 1905
H. Vallantyne	New York City	June 8, 1905
W. H. Black	New York City	June 11, 1905
Edwin F. Carey	New York City	Nov. 6, 1905
Isaac E. Garvey	New York City	Feb. 25, 1906
Samuel D. Folsom	New York City	Jan. 30, 1907
Joseph B. Braman	New York City	Mar. 5, 1907
William F. Lett	New York City	Mar. 25, 1907
Frank J. Griffen	New York City	June 1, 1907
Alfred Mackay	New York City	Sept. 8, 1907
George H. Corey	New York City	Nov. 27, 1907
Charles Edgar Mills	New York City	Dec. 11, 1907
William Johnson	Buffalo	Nov. 9, 1908
William Shillaber	New York	Jan. 23, 1909
<b>Ohio.</b>		
Joseph T. Harrison	Cincinnati	Aug. 11, 1906
<b>Oregon.</b>		
Eugene D. White	Portland	June 10, 1906
A. P. Tift	Portland	Aug. 23, 1906
<b>Pennsylvania.</b>		
M. Walter Miller	Philadelphia	Nov. 6, 1905
Samuel L. Taylor	Philadelphia	April 22, 1906
John S. Wurts	Philadelphia	May 27, 1906
Robert W. Lloyd	Philadelphia	Dec. 27, 1906
Kinley J. Tener	Philadelphia	April 3, 1907
Walter Morris	Pittsburg	Aug. 19, 1907
Thomas J. Hunt	Philadelphia	Nov. 17, 1907

COMMISSIONERS OF DEEDS—*Continued.*

Name.	Residence.	Term Expires.
<b>Rhode Island.</b>		
Gilman E. Jopp .....	Providence .....	Nov. 17, 1907
<b>Virginia.</b>		
Adolph Michelsohn .....	Norfolk .....	Jan. 26, 1905
<b>Washington.</b>		
Samuel S. Carlisle .....	Seattle .....	Aug. 3, 1905
Oscar G. Heaton .....	Seattle .....	April 11, 1907
<b>Hawaii.</b>		
J. M. Monsarrat .....	Honolulu .....	April 7, 1908
Benjamin L. Marx .....	Honolulu .....	May 17, 1908
George A. Davis .....	Honolulu .....	June 24, 1908
<b>Australia.</b>		
Frank Osborne .....	Sydney .....	July 26, 1908
<b>Great Britain.</b>		
William Campbell Everden .....	London, England .....	June 8, 1905
J. Burke Hendry .....	London, England .....	Aug. 30, 1905
Michael Timmons O'Connor .....	Killarney, Ireland .....	Sept. 24, 1905
George McIlldowie, Jr. ....	Belfast, Ireland .....	Dec. 30, 1905
George Layton .....	Liverpool, England .....	Jan. 8, 1907
Michael Joseph Horgan .....	City of Cork, Ireland .....	May 14, 1907
Allan Messer .....	London, England .....	Jan. 27, 1908
Sydney H. Peddar .....	London, England .....	Feb. 25, 1908
William Negus .....	London, England .....	Mar. 18, 1908
<b>Mexico.</b>		
William J. De Gress .....	City of Mexico .....	June 8, 1905

# CHANGES OF NAMES OF PERSONS AND CORPORATIONS

From January 1, 1899, to May 15, 1905.

Original Name.	Name Deceed.	Date of Decree.	Date Filed.
<b>Alameda County.</b>			
Uniao Portugueza of the State of California.....	Conselho Supremo da Uniao Portugueza do Estado da California	Sept. 11, '99	May 3, '00
First Presbyterian Church of Klilknerville.....	The First Presbyterian Church of Golden Gate.....	Oct. 28, '01	Nov. 1, '01
Athenian Bank of Oakland.	Security Bank and Trust Co.....	Oct. 21, '03	Oct. 22, '03
Heron Holcomb Co.....	Holcomb Land Co.....	Nov. 23, '03	Nov. 25, '03
Brooklyn Banking Co.....	South Berkeley Bank.....	Dec. 12, '03	Dec. 14, '03
Emeryville Savings Bank.	Security Savings Bank of Berkeley	Mar. 1, '04	Mar. 3, '04
Security Savings Bank of Berkeley.....	West Berkeley Bank.....	Apr. 15, '04	Apr. 18, '04
W. M. Watson Co.....	Winedale Co.....	June 17, '04	June 21, '04
Standard Building and Loan Association.....	American Loan and Security Co.....	Dec. 16, '04	Dec. 17, '04
R. W. Baker Co.....	E. C. Ambrose Co.....	Apr. 10, '05	Apr. 11, '05
<b>El Dorado County.</b>			
Ellen Boatner Williams.....	George Erwin Williams.....	Apr. 14, '00	June 9, '03
<b>Fresno County.</b>			
H. Aharensberg Co.....	Krog-Lauritzen Co.....	Mar. 7, '04	Mar. 9, '04
<b>Los Angeles County.</b>			
Craig, Stuart & Co.....	R. L. Craig & Co.....	May 8, '99	Jan. 15, '00
Phil Stein Co.....	Pomona Implement Co.....	Sept. 19, '99	Jan. 15, '00
Goodenow-Sheldon-Fixen Co.....	Goodenow-Sheldon Co.....	Oct. 16, '99	Jan. 15, '00
Equitable Building and Loan Association of the United States.....	Equitable Loan Society.....	Nov. 13, '99	Jan. 15, '00
Manhattan Club.....	Manhattan Athletic Club.....	Nov. 16, '99	Jan. 15, '00
Bumiller & Marsh.....	Bumiller & McKnight.....	Jan. 12, '00	Jan. 4, '01
Eagle Oil Co.....	Sunbeam Oil Co.....	Feb. 20, '00	Jan. 4, '01
Clearwater Creamery Co.....	Crown Creamery Co.....	Dec. 21, '00	Jan. 4, '01
M. P. Snyder Shoe Co.....	Innes-Crippen Shoe Co.....	Apr. 25, '98	Oct. 30, '01
Pasadena and Klondike Mining Co.....	Pasadena Mining Co.....	Jan. 9, '00	Oct. 31, '01
Bonebrake Trust Co.....	Central Bank of Los Angeles.....	Apr. 13, '00	Oct. 31, '01
Suits, Yoakum Meat and Produce Co.....	Suits-Conaway Meat and Produce Co.....	Oct. 13, '00	Oct. 31, '01
Big Sespe Oil Co.....	Sespe Cañon Oil Co.....	Oct. 22, '00	Oct. 31, '01
Nauerth & Cass Hardware Co.....	Cass-Damerel Hardware Co.....	Mar. 16, '00	Nov. 1, '01
Alpha Club.....	Alpha Athletic Club.....	Mar. 4, '01	Jan. 7, '02
M. W. Stewart Co.....	United Wholesale Grocery Co.....	Mar. 21, '01	Jan. 7, '02
Crandell, Aylsworth & Haskell Co.....	Crandell Importing Wholesale Co.....	Apr. 19, '01	Jan. 7, '02
Goodenow Sheldon Co.....	The Goodenow Co.....	May 10, '01	Jan. 7, '02
Hercules Oil Producing Co.	Hercules Oil Refining Co.....	Sept. 13, '01	Jan. 7, '02
San Juan Tin Mining and Smelting Co.....	Piute Gold Mining Co.....	Aug. 26, '01	Jan. 7, '02
Kingsley, Barnes & Neuner Co.....	C. M. Davis Co.....	Nov. 8, '01	Jan. 7, '02
Los Angeles Stove and Manufacturing Co.....	Pacific Stove Co.....	Nov. 22, '01	Jan. 7, '02



Original Name.	Name Deceed.	Date of Decree.	Date Filed.
<b>Los Angeles Co.—Cont'd.</b>			
Sale & Son Drug Co.	The Tanner Drug Co.	Dec. 13, '01	Jan. 7, '02
Riverside Savings and Loan Association	Dollar Savings Bank and Trust Co.	Jan. 14, '02	Jan. 5, '03
Innes-Crippen Shoe Co.	Innes Shoe Co.	Mar. 14, '02	Jan. 5, '03
Pasadena Bank	Glendora Bank	Apr. 7, '02	Jan. 5, '03
Industrial Home Society	McKinley Industrial Home Society	May 23, '02	Jan. 5, '03
Blythe Development Co.	Riverside Development Co.	Nov. 20, '02	Jan. 5, '03
Electric Express and Storage Co.	Pasadena Electric Express	Nov. 7, '02	Jan. 5, '03
D. V. Manufacturing Co.	Dolge-Posey Co.	Dec. 21, '03	Dec. 23, '03
Tanner Drug Co.	Off Drug Co.	Dec. 21, '03	Dec. 26, '03
Vogel Cream & Confection Co.	Crescent Cream & Confection Co.	Feb. 7, '03	Jan. 4, '04
Haskell and Vineyard Co.	Los Angeles Notion Co.	Feb. 20, '03	Jan. 4, '04
Primrose Conserving Co.	Hotel Cecil Co.	Mar. 6, '03	Jan. 4, '04
California Sewer Pipe Co.	California Clay Manufacturing Co.	May 29, '03	Jan. 4, '04
Barkley-Stetson-Preston Co.	Stetson-Preston Co.	Apr. 27, '03	Jan. 4, '04
Olinda Crude Oil Co.	Olinda Land Co.	July 20, '03	Jan. 4, '04
Gerhart-Belcher Co.	California Orange Wood Manufacturing Co.	July 25, '03	Jan. 4, '04
German Methodist Episcopal Church of Los Angeles City	First Methodist Episcopal Church of Los Angeles, Cal.	Sept. 16, '03	Jan. 4, '04
California Health Resort Co.	Idyllwild Mountain Resort Co.	Nov. 13, '03	Jan. 4, '04
Munger & Griffith Co.	Crown Hardware Co.	Nov. 13, '03	Jan. 4, '04
Lamanda Orange and Lemon Association	Sierra Madre Lamanda Citrus Association	Dec. 12, '03	Jan. 4, '04
Los Angeles Chemical and Water Purifying Co.	Schalk Chemical Co.	Jan. 28, '04	Feb. 1, '04
Hercules Oil Producing Co.	Hercules Oil Refining Co.	Apr. 29, '04	May 31, '04
King Steffa Co.	Crawford Moles Co.	Aug. 12, '04	Aug. 17, '04
Hardison-Carse Co.	Carse Co.	Nov. 21, '04	Dec. 5, '04
Fidelity Savings Bank	American Savings Bank	Dec. 16, '04	Dec. 20, '04
Alta California Banking Co.	West Side Bank	Dec. 30, '04	Dec. 31, '04
Manhattan Savings Bank	Consolidated Bank of Los Angeles	Dec. 30, '04	Jan. 7, '05
Union Bank	British American Trust Co.	Nov. 28, '04	Jan. 13, '05
W. O. Bigelow Co.	Flint-Bigelow Co.	Apr. 4, '04	Jan. 14, '05
Angelus Savings Bank	Co-operative Savings Bank	Jan. 8, '04	Jan. 17, '05
Rindge Manufacturing Co.	Rindge Navigation and Canal Co.	Mar. 4, '04	Jan. 17, '05
Anglo-American Bank of Los Angeles	Citizens Saving Bank of San Diego	May 16, '04	Jan. 17, '05
Pasadena Savings, Trust and Safe Deposit Co.	Pasadena Savings and Trust Co.	July 5, '04	Jan. 17, '05
Pacific Life Association	Los Angeles Life Association	July 13, '04	Jan. 17, '05
Del Rey Gun Club	Del Rey Land & Water Co.	Jan. 18, '05	Jan. 21, '05
Golden State Realty Investment Co.	Golden State Realty Co.	Oct. 8, '04	Jan. 28, '05
Los Angeles Stone Ware Co.	Los Angeles Stone Ware & Sewer Pipe Co.	Apr. 3, '05	Apr. 11, '05
South Gate Hall Association	South Gate Masonic Hall Ass'n.	Feb. 9, '05	Feb. 14, '05
Western Gas Engine Co.	Western Iron Works	Apr. 28, '05	May 2, '05
<b>Marin County.</b>			
William Nicolai	William Neumann	May 6, '01	Jan. 4, '02
Ellen J. Mahar	Ellen J. Steffens	Dec. 9, '01	Jan. 4, '02
<b>Mariposa County.</b>			
W. M. Holek	Henry M. Cook	Mar. 9, '01	Feb. 28, '02
<b>Modoc County.</b>			
Modoc's Building and Loan Association	Mutual Loan and Investment Society	Jan. 18, '04	Jan. 20, '04

Original Name.	Name Decreed.	Date of Decree.	Date Filed.
<b>Nevada County.</b>			
Brady & Robinson.....	Brady & Cassidy.....	Oct. 6, '00	Jan. 20, '04
<b>Riverside County.</b>			
Union Savings Bank.....	International Savings and Exchange Bank.....	Sept. 12, '04	Sept. 15, '04
<b>Sacramento County.</b>			
Consumers' Mutual Ice and Fuel Co.....	Consumers' Mutual Supply Co.....	Dec. 17, '03	Jan. 5, '04
Diepenbrock Wilson Mercantile Co.....	Diepenbrock Furbish Co.....	Feb. 3, '05	Feb. 7, '05
Citizens Bank.....	Goethe Bank.....	Apr. 8, '04	Apr. 11, '04
Home Banking Co.....	Wright & Kimbrough Bank.....	Nov. 18, '04	Nov. 29, '04
<b>San Diego County.</b>			
San Diego Wheelmen.....	Cabrillo Club, The.....	Sept. 14, '03	Sept. 22, '03
Manilla Bank of San Francisco.....	Imperial Valley Bank.....	Jan. 22, '04	Feb. 2, '04
Women's Home Association.....	San Diego Children's Home Association.....	July 8, '04	July 12, '04
Hugh Skinner Plumbing Co.....	San Diego Plumbing Co.....	Mar. 3, '05	Mar. 7, '05
<b>San Francisco County.</b>			
G. M. Agnew & Co.....	Campbell & Cavagnaro, Incorporated.....	Sept. 5, '99	May 28, '00
San Luis Oil Co.....	San Luis Oil Development Co.....	Dec. 28, '99	May 28, '00
Benjamin Boris Goldberg.....	Benjamin Boris Hofbert.....	May 12, '99	June 8, '00
Hattie Jane Love.....	Hattie Jane Brown.....	June 26, '99	June 8, '00
Edward Charles Love.....	Edward Charles Brown.....	June 26, '99	June 8, '00
Joseph M. Puig.....	Joseph R. Molera.....	July 24, '99	June 8, '00
Frank Tamblin Stocker.....	Frank Tamblin Webb.....	July 24, '99	June 8, '00
Harry Frederick Speese.....	Harry Hancock Albright.....	Oct. 12, '99	June 8, '00
Moses Solokowsky.....	Michael Aaron Mitchell.....	Feb. 14, '00	June 8, '00
Herman Isaac.....	Herman Esaac.....	Feb. 19, '00	June 8, '00
Vincenco Miloslavich.....	John Vincent.....	Mar. 13, '00	June 8, '00
Reuben M. Joseph.....	Reuben Julian.....	Apr. 6, '00	June 8, '00
Alice Raymond.....	Alice Faure.....	May 17, '00	June 8, '00
Sigmund Garfield Wolf.....	Sigmund Garfield Palmer.....	Apr. 27, '00	June 8, '00
Montifori Lodge, No. 1, A. J. O. K. S. B.....	Montifori Benevolent Society.....	Feb. 17, '00	Feb. 2, '01
Herman Isaac.....	Herman Esaac.....	Feb. 19, '00	Feb. 2, '01
Monarch Mineral Soap and Polish Co.....	Red M. Soap and Polish Co.....	Mar. 2, '00	Feb. 2, '01
Vincenco Miloslavich.....	John Vincent.....	Mar. 14, '00	Feb. 2, '01
Reuben M. Joseph.....	Reuben Julien.....	Apr. 7, '00	Feb. 2, '01
The Republic Savings Building and Loan Association of California.....	Phoenix Savings and Loan Association.....	Apr. 17, '00	Feb. 2, '01
Alice Raymond.....	Alice Faure.....	May 7, '00	Feb. 2, '01
Pacific Mutual Debenture Co.....	Pacific Debenture Co.....	Mar. 22, '00	Feb. 2, '01
Isidor Pach Arzewsky.....	Isidor Packert.....	May 29, '00	Feb. 2, '01
Henry J. Yungfleisch.....	Henry J. Young.....	June 5, '00	Feb. 2, '01
Esperanza Gold M. Co.....	Alamance M. Co.....	June 13, '00	Feb. 2, '01
Thomas Gowland Horsman.....	Thomas George Pilkington.....	July 19, '00	Feb. 2, '01
The Board of Trustees of Union Square Baptist Church.....	Board of Trustees of the First Free Baptist Church of the City of San Francisco.....	Aug. 30, '00	Feb. 2, '01
<b>Horse-Show Association of Pacific Coast.</b>			
Wm. Estes Anderson.....	San Francisco and San Mateo Agricultural Association.....	Aug. 1, '00	Feb. 2, '01
Layo Lazarus.....	Wm. Estes Green Gerish.....	Aug. 2, '00	Feb. 2, '01
Newman Lazarus.....	Layo Newman.....	July 25, '00	Feb. 2, '01
Wm. H. Steffy.....	Chas. Newman.....	July 25, '00	Feb. 2, '01
Stevens Arnhold & Co.....	Chas. Doyle.....	Aug. 23, '00	Feb. 2, '01
	B. Arnhold & Co.....	Sept. 15, '00	Feb. 2, '01

Original Name.	Name Decreed.	Date of Decree.	Date Filed.
<b>San Francisco Co.—Cont'd.</b>			
Hjlmur Nelson	Henry Nelson	Oct. 19, '00	Feb. 2, '01
James Lester Mayfield	James Lester Lehman	Oct. 23, '00	Feb. 2, '01
Spiro Conti	Spiro Williams	Nov. 14, '00	Feb. 2, '01
Metropolitan Match Co.	Metropolitan Fuse and Match Co.	Nov. 14, '00	Feb. 2, '01
W. L. Eaton & Co.	Eagle Rubber Co.	Nov. 28, '00	Feb. 2, '01
Home M. Ins. Co.	Home Fire & Marine Ins. Co. of Cal.	Dec. 21, '00	Feb. 2, '01
San Luis Oil Co.	San Luis Oil Development Co.	Jan. 2, '00	Feb. 2, '01
Moses Solokowsky	Michael Aaron Mitchell	Feb. 15, '00	Feb. 2, '01
California Product Co.	California Commission Co.	Apr. 10, '01	Feb. 1, '02
Abraham Huber	Albert Huber	Apr. 22, '01	Feb. 1, '02
California Pharmacal Co.	Haber & Co., Incorporated	May 7, '01	Feb. 1, '02
Emil Max Popp	Max Emil Saling	May 7, '01	Feb. 1, '02
August Henry Theuerkauf	Gustav Henry Therkof	May 6, '01	Feb. 1, '02
George Alexander Theuerkauf	George Alexander Therkof	May 6, '01	Feb. 1, '02
Charles Henry Jacob	Charles Henry Jacob Truman	May 6, '01	Feb. 1, '02
August Kruger	August Kruger Holland	May 15, '01	Feb. 1, '02
Meese and Gottfried Co., a corporation	Meese & Gottfried Company	July 9, '01	Feb. 1, '02
John Lawrence Ohlwin	John Lovell Lawrence	July 29, '01	Feb. 1, '02
Filmer-Rollins Electrotyping Co.	The Filmer Brothers Electrotyping Co.	Aug. 30, '01	Feb. 1, '02
Sol Kahn, otherwise known as Solomon Zahn	Sol Kahn	Aug. 15, '01	Feb. 1, '02
Kate Campbell	Kate Kidd	Aug. 14, '01	Feb. 1, '02
George A. Solomon	George A. Watson	Sept. 12, '01	Feb. 1, '02
John Dierssen	John Alfonso Dierssen	Sept. 6, '01	Feb. 1, '02
Kapp & Street	Kapp & Street Canning Co.	Nov. 8, '01	Feb. 1, '02
Grace Gates	Grace Vandelor Keane	Oct. 14, '01	Feb. 1, '02
West Side Flume and Lumber Co.	West Side Lumber Co.	Jan. 23, '02	Feb. 1, '02
Home Crude Oil Stock Co.	Crude Oil Stove and Furnace Co.	Jan. 2, '02	Feb. 1, '02
Lewis Anderson & Co.	Lewis Anderson Foard & Co.	Dec. 31, '01	Feb. 1, '02
Joseph Brezinski	Joseph Barton	Jan. 2, '02	Jan. 31, '03
Gus A. Weishaupt	Gus A. Whitehead	Mar. 25, '02	Jan. 31, '03
Home Crude Oil Co.	Crude Oil Stove and Furnace Co.	Jan. 2, '02	Jan. 31, '03
Lewis Anderson & Co.	Lewis Anderson Foard & Co.	Dec. 31, '01	Jan. 31, '03
Nellie Vernon West	Nellie Vernon Bingham	Jan. 28, '02	Jan. 31, '03
West Side Flume and Lumber Co.	West Side Lumber Co.	Jan. 23, '02	Jan. 31, '03
Melville Willis Blanks	Melville Willis Plummer	Feb. 12, '02	Jan. 31, '03
William Beals Palmer	William Beals Barry	Apr. 11, '02	Jan. 31, '03
Isaac Himmelstern	Julius Himmelstern	Aug. 4, '02	Jan. 31, '03
Levi Gilmacher	Levi Gilmaker	Mar. 21, '02	Jan. 31, '03
Hulda Gilmacher	Hulda Gilmaker	Mar. 21, '02	Jan. 31, '03
Joseph Gilmacher	Joseph Gilmaker	Mar. 21, '02	Jan. 31, '03
Marco Gilmacher	Marco Gilmaker	Mar. 21, '02	Jan. 31, '03
Julia Catherine Mebach	Julia Catherine Dober	Mar. 18, '02	Jan. 31, '03
Charles Watson Moore	Clement Wilder	Mar. 24, '02	Jan. 31, '03
Daphne Irene Taylor	Daphne Irene Wenzell	Apr. 16, '02	Jan. 31, '03
Lois Dorothea Taylor	Lois Dorothea Wenzell	Apr. 16, '02	Jan. 31, '03
Ella S. Swinge	Ella S. Wiggin	Apr. 9, '02	Jan. 31, '03
The Pacific Society for the Prevention of Cruelty to Children and Animals	Pacific Humane Society	June 12, '02	Jan. 31, '03
Silvio Roccatagliata	Silvio Rocca	Apr. 14, '02	Jan. 31, '03
Francisco Roccatagliata	Frank Rocca	Apr. 14, '02	Jan. 31, '03
Central Savings Union	Co-operative Savings Bank	June 19, '02	Jan. 31, '03
California Tartar Works	Golden West Company	July 15, '02	Jan. 31, '03
Maurice and Anna Marie Silberstein	Maurice Silvester and Anna Marie Silvester	July 11, '02	Jan. 31, '03
Nolan, Hewes, George & Earl	Nolan, Hewes, George Co.	Aug. 4, '02	Jan. 31, '03
McCune Baughman Shoe Co.	Baughman Shoe Co.	Aug. 12, '02	Jan. 31, '03
Frank Maucher	Frank Dittmann	Sept. 19, '02	Jan. 31, '03
Schulz Martinelli Luhnman Co.	Schulz Niggle & Co.	Mar. 11, '02	Jan. 31, '03

Original Name.	Name Decreed.	Date of Decree.	Date Filed.
<b>San Francisco Co.—Cont'd.</b>			
Hans Johannsen Moller..	Henry Johnson Miller .....	Feb. 7, '02	Jan. 31, '03
Renters Co-operative In- vestment Co.	Renters Loan and Trust Co.....	Apr. 1, '02	Jan. 31, '03
Theodore Papazoglou	Theodore P. Ion .....	June 7, '02	Jan. 31, '03
James Lichtermann	Yasha Littroff .....	June 21, '02	Jan. 31, '03
Berthold Katz	Berthold Hirschberg .....	June 27, '02	Jan. 31, '03
Western Engine and Mobile Co.	Eagle Engine Co. ....	Oct. 17, '02	Jan. 31, '03
Herman C. Schmidt	Herman C. Smith .....	July 9, '02	Jan. 31, '03
Bank of Templeton	Commercial Bank and Trust Co. .	Dec. 5, '02	Jan. 31, '03
Jesse George Lowenberg	Jesse Gordon Langdon .....	Oct. 16, '02	Jan. 31, '03
Oscar M. Christofersen	Oscar Christofersen Holt .....	Dec. 8, '02	Jan. 31, '03
Goldberg, Bowen & Leben- baum.	Goldberg, Bowen & Co.....	June 11, '03	Nov. 23, '03
Traders' Bank of California	Merchants Bank .....	Dec. 18, '03	Dec. 19, '03
Bertha Isadore	Bertha Isabella Dore.....	Feb. 16, '03	Jan. 28, '04
The San Francisco Metho- dist Orphanage	McKinley Orphanage .....	Mar. 2, '03	Jan. 28, '04
Sinaloa Mining Co.	Los Tacotes Gold Mining Co. .	Mar. 9, '03	Jan. 28, '04
Mrs. Ernest J. Wittenberg	Mrs. Flora Reichert .....	Apr. 13, '03	Jan. 28, '04
John Carl Levy	John Mullen Lee .....	Apr. 23, '03	Jan. 28, '04
Conklin Laundry Co.	Pacific Laundry Co. ....	June 11, '03	Jan. 28, '04
Philpott & Armstrong	Philpott & Plummer .....	June 19, '03	Jan. 28, '04
Jepsen Sons & Kraft Berg & Co., Incorporated.	Jepsen Brothers Company .....	June 30, '03	Jan. 28, '04
	San Francisco Parcel Delivery Co., Incorporated.....	July 15, '03	Jan. 28, '04
Mrs. Abbie Louise Vogt	Abbie Louise Omev .....	Aug. 26, '03	Jan. 28, '04
Leland Stanford Gould	Leland Stanford Ramsdell.....	July 9, '03	Jan. 28, '04
Commercial Building and Loan Association	Commercial Loan and Trust Co. .	July 20, '03	Jan. 28, '04
Joseph Albert Crackbon	Joseph Albert Whitney .....	July 13, '03	Jan. 28, '04
Little Sisters Infant Shelter	Infant Shelter .....	Dec. 21, '03	Jan. 28, '04
Capital Building and Loan Association	Capital Loan and Trust Co. ....	Aug. 3, '03	Jan. 28, '04
San Francisco Union Laun- dry	Union Laundry .....	Aug. 12, '02	Jan. 28, '04
William F. Menzies	William Menzies Singer .....	Aug. 28, '03	Jan. 28, '04
Citizens Bank	United Bank and Trust Co. ....	Sept. 1, '03	Jan. 28, '04
Shutts, Hyslop & Co.	Shutts, Walters & Co. ....	Sept. 13, '03	Jan. 28, '04
Lewis Joseph Gyarmathy	Lewis Joseph Decker .....	Oct. 2, '03	Jan. 28, '04
Co-operative Savings Bank	Federal Trust Co. ....	Nov. 9, '03	Jan. 28, '04
Waldeck Sanatorium	Waldeck Hospital .....	Nov. 30, '03	Jan. 28, '04
Alcatraz Bank of Oakland	Savings Bank of Trinity County..	Feb. 5, '04	Feb. 12, '04
California Belting Co.	California Belting and Supply Co.	Mar. 22, '04	Mar. 23, '04
Pioneer Automobile Co.	Pioneer Investment Co. ....	Nov. 4, '04	Nov. 5, '04
W. W. Adams & Co.	Emerick & Duncan Co. ....	Oct. 18, '04	Oct. 19, '04
Pacific Patent Protection Co.	National Patent Protection Co. .	Dec. 21, '03	Jan. 17, '05
Frank Roux Co.	Union Hide and Wool Co. ....	Feb. 9, '04	Jan. 17, '05
H. E. Skinner Co.	Olympic Arms Co. ....	Mar. 3, '04	Jan. 17, '05
Pacific Marine Supply Co.	Alaska Codfish Co. ....	Apr. 12, '04	Jan. 17, '05
Probate Bank	Manhattan Savings Bank .....	Apr. 13, '04	Jan. 17, '05
Sanitary Compressed Air and Suction Dust Remov- ing Co.	Sanitary Devices Manufacturing Co. ....	Apr. 20, '04	Jan. 17, '05
Wage Earners Savings Bank	Standard Bank .....	May 9, '04	Jan. 17, '05
Garland Stove Co.	Detroit Range Co. ....	May 31, '04	Jan. 17, '05
Humboldt Savings and Loan Society	Humboldt Savings Bank .....	June 8, '04	Jan. 17, '05
Kimball Brick Co.	Wheeland Brick Co. ....	June 17, '04	Jan. 17, '05
California, Oregon & Wash- ington Homebuilders' Association	Co-operative Homebuilders.....	Aug. 31, '04	Jan. 17, '05
National Gold Bond Corpo- ration	National Bond and Trust Co. ....	June 22, '04	Jan. 17, '05
Metropolitan Banking Co.	Guaranty Trust Co. ....	June 28, '04	Jan. 17, '05
Mercantile Co. of California	Mutual Real Estate and Bond Co.	July 28, '04	Jan. 17, '05
Davis-Steinhart Co.	Davis, Steinhart & Bolle .....	Aug. 10, '04	Jan. 17, '05
Oriental Bank	West Oakland Bank and Trust Co.	Sept. 3, '04	Jan. 17, '05
Eastern Stove & Range Co.	Hammer Bray Co. ....	Sept. 19, '04	Jan. 17, '05
Parcells-Greenwood Co.	Parcells Safe Co. ....	Sept. 19, '04	Jan. 17, '05

Original Name.	Name Decreed.	Date of Decree.	Date Filed.
<b>San Francisco Co.—Cont'd.</b>			
San Francisco Verein .....	Argonaut Club .....	Sept. 23, '04	Jan. 17, '05
Reis Tract Real Estate Co. ....	T. B. Potter Realty Co. ....	Sept. 30, '04	Jan. 17, '05
Milton-Heynemann-Marshall Co. ....	Milton Heynemann Co. ....	Oct. 25, '04	Jan. 17, '05
Phillips, Smyth & Van Orden .....	Phillips & Van Orden .....	Nov. 28, '04	Jan. 17, '05
Bank of Sisson, Crocker & Co. ....	Citizens' State Bank of San Francisco .....	Dec. 30, '04	Jan. 17, '05
Pacific Micro Materials Co. ....	Bausch & Lomb Optical Co. of California .....	Dec. 30, '04	Jan. 17, '05
Joseph Gyarmathy .....	Lewis Joseph Decker .....	Oct. 2, '03	Jan. 17, '05
Hyde Construction Co. ....	Hyde, Harjos & Co. ....	Jan. 13, '04	Jan. 17, '05
Otto Carl Fleischer .....	William Otto Carl Fletcher .....	Jan. 22, '04	Jan. 17, '05
Frederick Lyman Arnold .....	Frederick Lyman Gridley .....	June 23, '04	Jan. 17, '05
Edward Ernest Girzikowsky .....	Edward Ernest Girzi .....	Feb. 11, '04	Jan. 17, '05
Charles Franklin Cue .....	Charles Franklin Cutler .....	Feb. 29, '04	Jan. 17, '05
Axel Leander Larson .....	Alexander Felton .....	June 17, '04	Jan. 17, '05
Joseph Westelnik .....	Joseph B. West .....	May 11, '04	Jan. 17, '05
James Frederick Brown .....	James Frederick Lowrie .....	May 24, '04	Jan. 17, '05
Charles Willis Brown .....	Charles Willis Lowrie .....	May 24, '04	Jan. 17, '05
Martin Woodward Brown .....	Martin Woodward Lowrie .....	May 24, '04	Jan. 17, '05
Mary Engisch .....	Mary Eisert .....	June 1, '04	Jan. 17, '05
Roy Lee Hattabough .....	Robert Louis Behre .....	June 21, '04	Jan. 17, '05
Bent Olsen .....	Bent Olsen Lee .....	June 10, '04	Jan. 17, '05
J. F. Plumel & L. Renard Co. ....	J. F. Plumel Co. ....	July 28, '04	Jan. 17, '05
Abraham Poppic .....	Arnold Poppic .....	Sept. 29, '04	Jan. 17, '05
Charles A. H. Peterson .....	Charles Hover .....	Sept. 8, '04	Jan. 17, '05
Harry Hewston Pierce and Clara Pierce .....	Harold Alfred Hewston and Clara Louise Hewston .....	Dec. 9, '04	Jan. 17, '05
Fulton Engineering and Ship Building Works .....	Fulton Iron Works .....	Apr. 2, '03	Feb. 1, '05
Scott & Van Arsdale Lumber Co. ....	McCloud Lumber Co. ....	Mar. 16, '05	Mar. 17, '05
Upton Bros. ....	Upton Bros. & Dalzelle .....	Mar. 30, '05	Mar. 31, '05
State Life Agency .....	State Life Agency of California .....	May 1, '05	May 4, '05
<b>San Joaquin County.</b>			
William Belle Stanhope .....	William Belle Peterson .....	Dec. 24, '03	Jan. 16, '04
David Edward Stanhope .....	Davis Edward Peterson .....	Dec. 24, '03	Jan. 16, '04
Hazel Kirk Terry .....	Hazel Kirk De Vinny .....	Dec. 21, '03	Jan. 16, '04
First German Evangelical Lutheran Zion Society of Stockton, California .....	German Evangelical Lutheran Zion Church of Stockton, Cal. ....	July 6, '03	Jan. 16, '04
Beckman Beatty & Thompson Co. ....	Beckman, Welch & Thompson Co. ....	Feb. 27, '05	Mar. 2, '05
<b>San Bernardino County.</b>			
Commercial Bank of North Ontario .....	Commercial Bank of Upland .....	Feb. 20, '04	Feb. 23, '04
<b>Solano County.</b>			
Luehning Co. ....	The Ernst Luehning Co. ....	June 16, '02	June 17, '02
<b>Sonoma County.</b>			
Arthur Frank Bryant .....	Arthur Frank Upp .....	Dec. 29, '02	Jan. 19, '04
May P. Hanshaw .....	May Benedict Maye .....	Apr. 20, '03	Jan. 19, '04
William George Martin .....	William George Strong .....	Dec. 28, '03	Jan. 19, '04
<b>Stanislaus County.</b>			
Elmer B. Eagleson .....	Elmer B. Maze .....	Aug. 31, '01	Jan. 7, '02
Thomas E. Richardson .....	Thomas E. Leclert .....	Oct. 2, '01	Jan. 7, '02
<b>Tulare County.</b>			
Lindsay Orange and Lemon Association .....	Lindsay Orange Growers' Association .....	Aug. 25, '04	Aug. 27, '04
<b>Yuba County.</b>			
Weinlander & Hexter, Inc. ....	Hexter's .....	Feb. 27, '05	Mar. 2, '05

# CONSTITUTION OF THE STATE OF CALIFORNIA.

## PREAMBLE AND DECLARATION OF RIGHTS.

### PREAMBLE.

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

### ARTICLE I.

#### DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, respectively of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

SEC. 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; *provided*, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; *and provided further*, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [Amendment adopted November 6, 1894.]

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

## ARTICLE II.

### RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall

ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted November 6, 1894.*]

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be *optional* in any city, city and county, or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive, without making compensation either general or uniform. [*Amendment adopted November 6, 1900.*]

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [*Amendment adopted November 3, 1896.*]

SEC. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose. [*New section; adopted November 4, 1902.*]

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock m. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced in either house after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two thirds of the members thereof.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred



and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts no county, or city and county shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

SEC. 7. Each house shall choose its officers, and judge of the qualifications, elections, and returns of its members.

SEC. 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9. Each house shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 12. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either house draw pay for any recess or adjournment for a longer time than three days.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If, after such reconsideration, it again passes both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriations so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

SEC. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

SEC. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

SEC. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury: such per diem shall not exceed eight dollars, and such mileage shall not exceed ten

cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

SEC. 24. Every Act shall embrace but one subject; which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

*First*—Regulating the jurisdiction and duties of justices of the peace, police judges, and of constables.

*Second*—For the punishment of crimes and misdemeanors.

*Third*—Regulating the practice of courts of justice.

*Fourth*—Providing for changing the venue in civil or criminal actions.

*Fifth*—Granting divorces.

*Sixth*—Changing the names of persons or places.

*Seventh*—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

*Eighth*—Summoning and impaneling grand and petit juries, and providing for their compensation.

*Ninth*—Regulating county and township business, or the election of county and township officers.

*Tenth*—For the assessment or collection of taxes.

*Eleventh*—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

*Twelfth*—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

*Thirteenth*—Extending the time for the collection of taxes.

*Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.

*Fifteenth*—Refunding money paid into the State treasury.

*Sixteenth*—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

*Seventeenth*—Declaring any person of age, or authorizing any minor to sell, lease, or incur his or her property.

*Eighteenth*—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

*Nineteenth*—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

*Twentieth*—Exempting property from taxation.

*Twenty-first*—Changing county seats.

*Twenty-second*—Restoring to citizenship persons convicted of infamous crimes.

*Twenty-third*—Regulating the rate of interest on money.

*Twenty-fourth*—Authorizing the creation, extension, or impairing of liens.

*Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.

*Twenty-sixth*—Remitting fines, penalties, or forfeitures.

*Twenty-seventh*—Providing for the management of common schools.

*Twenty-eighth*—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

*Twenty-ninth*—Affecting the fees or salary of any officer.

*Thirtieth*—Changing the law of descent or succession.

*Thirty-first*—Authorizing the adoption or legitimation of children.

*Thirty-second*—For limitation of civil or criminal actions.

*Thirty-third*—In all other cases where a general law can be made applicable.

SEC. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section; adopted November 4, 1902.*]

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin, or to be delivered at a future day, shall be void, and any money paid on

such contracts may be recovered by the party paying it by suit in any court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the Legislature the members thereof shall vote viva voce, and the vote shall be entered on the journal.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, county and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal, or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article: and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part; nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever

disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 36. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1902.*]

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; and when so convened it shall have no power to legislate on any subject other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto.

SEC. 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein. [*Amendment adopted November 8, 1898.*]

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the

State, the President pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [*Amendment adopted November 8, 1898.*]

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times, during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same pro diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them, respectively, rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county. [*Amendment adopted November 8, 1904.*]

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the

period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general State elections, at the time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this Constitution.

SEC. 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal, consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of man-

damus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year nineteen hundred and seven, *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year nineteen hundred and six nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid: the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice of the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the



officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 8, 1904.*]

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose, from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda there shall be elected two such judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected.

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. [*Amendment adopted November 8, 1904.*]

SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; provided, such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment adopted November 8, 1904.*]

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex-officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person. [*Amendment adopted November 8, 1904.*]

SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law, which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. [*Amendment adopted November 8, 1904.*]

SEC. 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. [*Amendment adopted November 8, 1904.*]

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 20. The style of process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [*Amendment adopted November 8, 1904.*]

SEC. 22. No judge of a court of record shall practice law in any court of this State during his continuance in office.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State. [*Amendment adopted November 8, 1904.*]

SEC. 24. No Judge of the Supreme Court nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decision shall be stated. When the Justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court. [*Amendment adopted November 8, 1904.*]

SEC. 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1st, A. D. 1905. [*New section; adopted November 8, 1904.*]

## ARTICLE VII.

### PARDONING POWER.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

## ARTICLE VIII.

### MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.

## ARTICLE IX.

### EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new States under an Act of Congress distributing the proceeds of

the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 5. The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of primary and grammar schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of high schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 4, 1902.*]

SEC. 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, and the principals of the State normal schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 6, 1894.*]

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the Organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by Act of Congress, approved July second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as provided by said Acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An Act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other

intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature. [*New section; adopted November 6, 1900.*]

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1900.*]

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 8, 1904.*]

## ARTICLE X.

### STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The board of directors shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employes of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

SEC. 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

## ARTICLE XI.

## COUNTIES, CITIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [*Amendment adopted November 6, 1894.*]

SEC. 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws. [*Amendment adopted November 3, 1896.*]

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [*Amendment adopted November 6, 1894.*]

SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent

resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 4, 1902.*]

SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [*Amendment adopted November 3, 1896.*]

SEC. 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

SEC. 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depository, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the City and County of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided further*, that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its waterworks whenever two thirds of the electors thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. [*Amendment adopted November 6, 1900.*]

SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gas-light or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [*Amendment adopted November 4, 1884.*]

## ARTICLE XII.

### CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in this State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association during the term of office of such director or trustee.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons.



SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter, of any corporation now existing, or which shall hereafter exist, under the laws of this State.

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate, except such as may be necessary for carrying on its business.

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

SEC. 13. The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.

SEC. 14. Every corporation, other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial, as in other cases.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

SEC. 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of

material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

Sec. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket by a member of the Legislature, or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

Sec. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

Sec. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

Sec. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make: to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold

office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

SEC. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

## ARTICLE XIII.

### REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [*Amendment adopted November 6, 1894.*]

SEC. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [*New section; adopted November 6, 1900.*]

SEC. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation. [*New section; adopted November 4, 1902.*]

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

SEC. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex-officio a member of the board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe as to county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [*Amendment adopted November 4, 1884.*]

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

SEC. 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation. [*New section; adopted November 8, 1904.*]

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State school fund.

SEC. 12½. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [*New section; adopted November 6, 1894.*]

SEC. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

## ARTICLE XIV.

### WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or City and County, or City, or Town Council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are

passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

SEC. 2. The right to collect rates or compensation for the use of waters supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

## ARTICLE XV.

### HARBOR FRONTAGE, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage of tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

SEC. 3. All tide lands within two miles of any incorporated city or town of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

## ARTICLE XVI.

### STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

## ARTICLE XVII.

### LAND AND HOMESTEAD EXEMPTION.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

## ARTICLE XVIII.

## AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

## ARTICLE XIX.

## CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

## ARTICLE XX.

## MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

SEC. 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

SEC. 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work and prescribe proper penalties for the speedy and efficient enforcement of said law. [Amendment adopted November 4, 1902.]

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

## ARTICLE XXI.

### BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

## ARTICLE XXII.

### SCHEDULE.

That no inconvenience may arise from the alterations and amendments to the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State printing office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post office address of each registered



voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the inspectors of election, at each election precinct or polling place in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerks of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said board shall immediately certify the same, in the usual form, to the Governor of the State of California.

SEC. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

SEC. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their

terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS,  
 JAMES J. AYERS,  
 CLITUS BARBOUR,  
 EDWARD BARRY,  
 JAMES N. BARTON,  
 C. J. BEERSTECHEK,  
 ISAAC S. BELCHER,  
 PETER BELL,  
 MARION BIGGS,  
 E. T. BLACKMER,  
 JOSEPH C. BROWN,  
 SAM'L B. BURT,  
 JOSIAH BAUCHER,  
 JAMES CAPLES,  
 AUG. H. CHAPMAN,  
 J. M. CHARLES,  
 JOHN D. CONDON,  
 C. W. CROSS,  
 HAMLET DAVIS,  
 JAS. E. DEAN,  
 P. T. DOWLING,  
 LUKE D. DOYLE,  
 W. L. DUDLEY,  
 JONATHAN M. DUDLEY,  
 PRESLEY DUNLAP,  
 JOHN EAGON,  
 THOMAS H. ESTEY,  
 HENRY EDGERTON,  
 M. M. ESTEE,  
 EDWARD EVEY,  
 J. A. FILCHER,  
 SIMON J. FARRELL,  
 ABRAHAM C. FREEMAN,  
 JACOB R. FREUD,  
 J. B. GARVEY,  
 B. B. GLASCOCK,  
 JOSEPH C. GORMAN,  
 W. P. GRACE,  
 WILLIAM J. GRAVES,  
 V. A. GREGG,  
 JNO. S. HAGER,  
 JOHN B. HALL,  
 THOMAS HARRISON,  
 JOEL A. HARVEY,  
 T. D. HEISKELL,  
 CONRAD HEROLD,

D. W. HERRINGTON,  
 S. G. HILBORN,  
 J. R. W. HITCHCOCK,  
 J. E. HALE,  
 VOLNEY E. HOWARD,  
 SAM. A. HOLMES,  
 W. J. HOWARD,  
 WM. P. HUGHEY,  
 W. F. HUESTIS,  
 G. W. HUNTER,  
 DANIEL INMAN,  
 GEORGE A. JOHNSON,  
 L. F. JONES,  
 PETER J. JOYCE,  
 J. M. KELLY,  
 JAMES H. KEYES,  
 JOHN J. KENNEY,  
 C. R. KLEINE,  
 T. H. LAINE,  
 HENRY LARKIN,  
 R. M. LAMPSON,  
 R. LAVIGNE,  
 H. M. LA RUE,  
 DAVID LEWIS,  
 J. F. LINDOW,  
 JNO. MANSFIELD,  
 EDWARD MARTIN,  
 J. WEST MARTIN,  
 RUSH McCOMAS,  
 JOHN G. McCALLUM,  
 THOMAS McCONNELL,  
 JOHN McCOY,  
 THOS. B. McFARLAND,  
 HIRAM MILLS,  
 WM. S. MOFFATT,  
 JOHN F. McNUTT,  
 W. W. MORELAND,  
 L. D. MORSE,  
 JAMES E. MURPHY,  
 EDMUND NASON,  
 THORWALD K. NELSON,  
 HENRY NEUNABER,  
 CHS. C. O'DONNELL,  
 GEORGE OHLEYER,  
 JAMES O'SULLIVAN,  
 JAMES M. PORTER,

WILLIAM H. PROUTY,  
 M. R. C. PULLIAM,  
 CHAS. F. REED,  
 PATRICK REDDY,  
 JOHN M. RHODES,  
 JAS. S. REYNOLDS,  
 HORACE C. ROLFE,  
 CHAS. S. RINGOLD,  
 JAMES McM. SHAFTER,  
 GEO. W. SCHELL,  
 J. SCHOMP,  
 RUFUS SHOEMAKER,  
 E. O. SMITH,  
 BENJ. SHURTLIFF,  
 GEO. VENABLE SMITH,  
 H. W. SMITH,  
 JOHN C. STEDMAN,  
 E. P. SOULE,  
 D. C. STEVENSON,  
 GEO. STEELE,  
 CHAS. V. STUART,  
 W. J. SWEASEY,  
 CHARLES SWENSON,  
 R. S. SWING,  
 D. S. TERRY,  
 S. B. THOMPSON,  
 F. O. TOWNSEND,  
 W. J. TINNIN,  
 DANIEL TUTTLE,  
 P. B. TULLY,  
 H. K. TURNER,  
 A. P. VACQUEREL,  
 WALTER VAN DYKE,  
 WM. VAN VOORHIES,  
 HUGH WALKER,  
 JOHN WALKER,  
 BYRON WATERS,  
 JOSEPH R. WELLER,  
 J. V. WEBSTER,  
 JOHN P. WEST,  
 PATRICK M. WELLIN,  
 JOHN T. WICKES,  
 WM. F. WHITE,  
 H. C. WILSON,  
 JOS. W. WINANS,  
 N. G. WYATT.

# STATUTES OF CALIFORNIA

PASSED AT THE

## THIRTY-SIXTH SESSION OF THE LEGISLATURE.

### CHAPTER I.

*An act making an appropriation to pay the expenses of electors of President and Vice-President of the United States of America.*

[Approved January 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five hundred and fifty-eight and twenty-one hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the per diem and mileage of electors of President and Vice-President of the United States of America of nineteen hundred and five.

Appropriation to pay expenses of presidential electors.

SEC. 2. This act shall take effect immediately.

### CHAPTER II.

*An act making an appropriation to pay the contingent expenses of the assembly, thirty-sixth session.*

[Approved January 16, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$25,000 is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay contingent expenses of the assembly, thirty-sixth session.

Appropriation to pay contingent expenses of the assembly.

SEC. 2. This act shall take effect immediately.

## CHAPTER III.

*An act making an appropriation for the contingent expenses of the senate for the thirty-sixth session of the legislature.*

[Approved January 19, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay contingent expenses of the senate.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-sixth session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

SEC. 2. This act shall take effect immediately.

## CHAPTER IV.

*An act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-sixth session of the legislature, and directing the state controller and state treasurer to make such transfer.*

[Approved January 19, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Transfer of money from general fund to pay for legislative printing.

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-sixth session of the legislature.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect from and after its passage.

## CHAPTER V.

*An act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California, at the Lewis and Clark exposition to be held in the city of Portland, Oregon, in 1905.*

[Approved February 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. In addition to the appropriation heretofore made in an act of the legislature entitled "An act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Lewis and Clark exposition to be held in the city of Portland, Oregon, 1905, and to provide for a commissioner thereof," approved March 18, 1903, there is hereby appropriated out of any money in the state treasury not otherwise appropriated seventy thousand dollars (\$70,000) to meet the expenses of erecting buildings, and collecting and maintaining an exhibit of the products of the State of California at the Lewis and Clark exposition to be held in the city of Portland, Oregon, in the year 1905, and the controller is hereby directed to draw his warrant on the general fund from time to time for such portion of said seventy thousand dollars, and in favor of such persons, as the governor of the State of California, the commissioner named in said above-mentioned act, shall direct, and the state treasurer is directed and empowered to pay the same.

Additional appropriation for Lewis and Clark exposition.

SEC. 2. This act is exempt from the provisions of section 672 of the Political Code of the State of California.

SEC. 3. This act shall take effect on and after its passage.

## CHAPTER VI.

*An act authorizing the United States government to lower the water levels of any or all of the following lakes: Lower or Little Klamath lake, Tule or Rhett lake, Goose lake, and Clear lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the state.*

[Approved February 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Aiding irrigation and reclamation.

SECTION 1. That for the purpose of aiding in the operations of irrigation and reclamation conducted by the Reclamation Service of the United States, established by the act of congress approved June 17, 1902 (32 Stat., 388), known as the reclamation act, the United States is hereby authorized to lower the water levels of any or all of the following lakes: Lower or Little Klamath lake, Tule or Rhett lake, Goose lake, and Clear lake, situated in Siskiyou and Modoc counties, as shown by the map of the United States Geological Survey, and to use any part or all of the beds of said lakes for the storage of water in connection with such operations.

Lower water levels of certain lakes.

Ceding to the United States land uncovered by lowering water levels of certain lakes.

SEC. 2. And there is hereby ceded to the United States all the right, title, interest, or claim of this state to any lands uncovered by the lowering of the water levels, of any or all of said lakes, not already disposed of by this state; and the lands hereby ceded may be disposed of by the United States free of any claim on the part of this state, in any manner that may be deemed advisable by the authorized agencies of the United States, in pursuance of the provisions of said reclamation act: *provided*, that this act shall not be in effect as to the lakes herein named which lie partly in the State of Oregon, until a similar cession has been made by that state.

CHAPTER VII.

*An act making an appropriation to pay the contingent expenses of the assembly, thirty-sixth session.*

[Approved February 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$25,000 is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay contingent expenses of the assembly, thirty-sixth session. Contingent expenses of the assembly.

SEC. 2. This act shall take effect immediately.

CHAPTER VIII.

*An act to amend sections 276, 277, 279, and 280 of the Code of Civil Procedure, and to add a new section to said Code of Civil Procedure to be numbered 280a, relating to the admission to practice of attorneys and counselors.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 276 of the Code of Civil Procedure is hereby amended so as to read as follows: Attorney and counselor.

276. Every applicant for admission as an attorney and counselor must produce satisfactory testimonials of a good moral character and undergo a strict examination in open court as to his qualifications by the justices of one of the district courts of appeal. Testimonials. Examination before district courts of appeal.

SEC. 2. Section 277 of the Code of Civil Procedure is hereby amended so as to read as follows:

277. If, upon examination, he is found qualified, the district court of appeal, before which he is examined, shall admit him as an attorney and counselor in all the courts of this state, and shall direct an order to be entered to that effect upon its records, and that a certificate of such record be given to him by the clerk of the court, which certificate shall be his license. To practice in all courts.

Every person admitted to practice by a district court of appeal, either upon examination, or upon the production of a license from another state, as provided in section 279 of this code, may practice as an attorney in all of the courts of this state, including the supreme court; and every person now License.

May practice in district courts of appeal.

entitled to practice in the supreme court of this state may practice as an attorney in any district court of appeal.

SEC. 3. Section 279 of the Code of Civil Procedure is hereby amended so as to read as follows:

Non-resident, qualifications of, to practice in this state.

279. Every citizen of the United States, or person resident of this state, who has, *bona fide*, declared his intention to become a citizen in the manner required by law, who has been admitted to practice law in the highest court of a sister state, or of a foreign country, where the common law of England constitutes the basis of jurisprudence; may be admitted to practice in all the courts of this state, by any district court of appeal, upon the production of his or her license, and satisfactory evidence of good moral character; but the court may examine the applicant as to his or her qualifications.

Examination of.

SEC. 4. Section 280 of the Code of Civil Procedure is hereby amended so as to read as follows:

Clerk to keep roll of.

280. Every clerk of a district court of appeal shall keep a roll of attorneys and counselors admitted to practice by the court of which he is clerk, which roll must be signed by the person admitted before he receives his license. Every clerk shall, each month, certify to the clerk of the supreme court a list of the persons so admitted during the preceding month, with such other information as appears in regard thereto on his roll, and the clerk of the supreme court shall keep a general roll of all the attorneys admitted to practice.

Clerk to certify list.

SEC. 5. A new section is hereby added to the Code of Civil Procedure, to be numbered two hundred and eighty *a* and to read as follows:

Effect of diploma granted by Hastings College of the Law.

280*a*. Nothing in this chapter contained shall be construed as a repeal or modification of any existing provision of law relative to the effect of a diploma granted by the Hastings College of the Law.

SEC. 6. This act shall take effect immediately.

## CHAPTER IX.

*An act to amend section 1703½ of the Code of Civil Procedure relating to the manner of distributing money constituting the distributive share of persons who can not be found and whose place of residence is unknown and to minors and incompetent persons.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1703½ of the Code of Civil Procedure is hereby amended to read as follows:

Distribution of estate to person whose address is unknown.

1703½. When any estate is distributed by the judgment or decree of the court or a judge thereof, as provided in this chapter, to a distributee who can not be found and his or her



place of residence is unknown, or to a minor or incompetent person, who has no lawful guardian to receive the same, or person authorized to receipt therefor, the portion of said estate consisting of money shall be paid to and deposited with the county treasurer of the county in which the estate is being probated, who shall give a receipt for the same, and shall be liable on his official bond therefor; and said receipt shall be deemed and received by the court or judge thereof as a voucher in favor of said executor or administrator, with the same force and effect as if executed by the distributee thereof. And this section shall be applicable to any and all estates now pending in which a final decree of discharge has not been granted. Said moneys so paid into the county treasury, shall be paid out upon petition to, and the order of the superior court or judge thereof to the person entitled to receive the same.

Money to be deposited with county treasurer.

Liability of treasurer.

Receipt for.

Applicable to estates now pending.

Paid out upon petition to and order of court.

## CHAPTER X.

*An act to amend section six hundred eighty-four and six hundred eighty-five of the Political Code, relating to the state board of examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred eighty-four of the Political Code is hereby amended so as to read as follows:

Assistant secretary of state board of examiners.

684. The governor may appoint an assistant to the secretary of the state board of examiners, at an annual salary of twenty-four hundred dollars, payable in the same manner as the salaries of other state officers. Said assistant is a civil executive officer.

SEC. 2. Section six hundred eighty-five of the Political Code is hereby amended so as to read as follows:

685. The board may appoint four clerks for the secretary of said board, who shall be civil executive officers, at an annual salary of sixteen hundred dollars each, payable in the same manner as the salaries of other state officers.

Clerks for secretary of board.

SEC. 3. This act shall take effect immediately.

## CHAPTER XI.

*An act to add a new section to the Political Code to be numbered section 4247 to enable county recorders to return or destroy certain papers on file in their office.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered 4247, and to read as follows:

Recorder to return or destroy contracts, plans and specifications, when.

4247. After the expiration of two years from the date of filing in the recorder's office of notice of completion of any building or improvement, the contract, plans and specifications under which the work or improvement was performed may be returned by the recorder to the person filing the same unless the recorder has been notified in writing to retain the same by some one claiming some interest under such contract or in the property affected thereby. If no such notice be given the recorder may, after the expiration of said two years, destroy such contract, plans and specifications. But in the cases of such contracts, plans and specifications as have been filed heretofore: two years after this section goes into effect, the recorder may destroy all such contracts, plans or specifications as may have been filed five years theretofore, and thereafter may continue to destroy all of them as soon as five years elapse from the dates when they were filed, unless they are returned to the party filing the same, or unless notice be given to retain them, as above provided.

## CHAPTER XII.

*An act to appropriate the sum of \$4,150 to pay the claim of the Citizens National Bank of Los Angeles for money due and owing the said Citizens National Bank from the State of California.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of Citizens National Bank of Los Angeles.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of four thousand one hundred and fifty dollars, the said sum being now due and owing from the State of California to the said Citizens National Bank of Los Angeles.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Citizens National Bank of Los Angeles for the said sum of four thousand one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January 1st, 1906.

CHAPTER XIII.

*An act to provide three (3) additional judges of the superior court of the county of Los Angeles, State of California, for the manner of their appointment, and for their compensation.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The number of judges of the superior court of the county of Los Angeles, State of California, is hereby increased from six to nine. Additional judges of superior court of Los Angeles County.

SEC. 2. Within thirty days after the passage of this act, the governor shall appoint three additional judges of the superior court of the county of Los Angeles, State of California who shall hold office until the first Monday after the first day of January, A. D. one thousand nine hundred and seven. At the next general election to be held in November, A. D. one thousand nine hundred and six, three additional judges of said court shall be elected in said county who shall be successors to the judges appointed hereunder, to hold office for the term prescribed by the constitution and by law. Appointment.  
Term.  
Election.

SEC. 3. The salaries of such additional judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the superior court of said county, now authorized by law. Salaries.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XIV.

*An act to amend section ninety-seven of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.*

[Approved February 15, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section ninety-seven of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

97. The justices of the peace shall receive for their official services the following salaries, and no other or further compensation, payable monthly, out of the city and county treasury, after being first allowed and audited as other similar demands are by law required to be allowed and audited: To each of the justices of the peace thirty-six hundred dollars per annum. Justices of the peace, San Francisco.  
Salary.

## CHAPTER XV.

*An act making an appropriation for the contingent expenses of the senate for the thirty-sixth session of the legislature.*

[Approved February 16, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Contingent expenses of senate.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-sixth session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

SEC. 2. This act shall take effect immediately.

## CHAPTER XVI.

*An act to amend the Political Code, by adding thereto a new section to be numbered four hundred and twenty-one, relating to watchmen employed in the state capitol and for the governor's mansion and providing for their salaries.*

[Approved February 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Watchmen for capitol and governor's mansion.

SECTION 1. The Political Code is hereby amended by adding thereto a new section to be numbered four hundred and twenty-one, to read as follows:

421. The watchmen employed in the state capitol and for the governor's mansion, shall have the power of peace officers, and shall receive for their services an annual salary of twelve hundred dollars, payable at the same time and in the same manner as other state officers.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER XVII.

*An act to repeal section eight of the Civil Code and to amend section nine thereof, both relating to holidays.*

[Approved February 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight of the Civil Code is hereby repealed.

SEC. 2. Section nine of said code is hereby amended to read as follows:

9. All other days than those mentioned in section seven are to be deemed business days for all purposes. Business days.

## CHAPTER XVIII.

*An act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof.*

[Approved February 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No minor under the age of eighteen shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than nine hours in one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four hours in a week. Minor under 18 years, hours of labor per day.  
Hours of labor per week.

SEC. 2. No minor under the age of sixteen years shall be employed or permitted to work in any mercantile institution, office, laundry, manufacturing establishment, or workshop, between the hours of ten o'clock in the evening and six o'clock in the morning. Minor under 16 years, hours of labor of.

No child under fourteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. Minor under 14 years not allowed to work.

Judge to issue permit for child over 12 years to work.

*Provided* that the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county, or city and county in which such child resides, shall have authority to issue a permit to work to any such child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or truant officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or truant officers, then by such other competent persons as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to said child upon his quitting such employment. Such certificate shall be always open to the inspection of the truant and probation officers of the city and county, city or county, in which the place of employment is situated or of the officers of the state bureau of labor statistics.

Permit to specify kind of work.

Child over 12 years may work during school vacation, upon permit.

*And provided* that any such child, over the age of twelve years, may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county in which the place of employment is situated, upon the production of a permit signed by the principal of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

Minor under 16 years must be able to read and write English.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Hours of labor to be posted in manufacturing establishments.

SEC. 3. Every person, firm, or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted, in a conspicuous place in every room where such help is employed, a written or

printed notice stating the number of hours per day for each day of the week required of such persons.

Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen years and over fourteen years of age to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of those whose duty it is to enforce the provisions of the act.

Record of names of minors under 16 years.

Certificate of age and schooling.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him, in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees; *provided* that the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided, for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fee shall be charged for issuing such certificates.

Certificate supplied by whom.

An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the public register of birth of such child, or in some other manner, that such child is of the age stated in the certificate.

Satisfactory evidence before certificate is issued.

A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate was issued, *provided* that all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year, and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Such certificate shall be substantially in the following form, to wit:

Duplicate certificate.

*Age and Schooling Certificate.*

This certifies that I am the (father, mother, or guardian) of (name of child), and that (he or she) was born at (name of town or city), in the county of (name of county) (if known) and state (or country) of (name), on the (day and

Form of certificate.

year of birth), and is now (number of years and of months) old.

Signature as provided in this act.

Town or city, and date.

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child) height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) can or can not read English at sight, and can or can not write legibly simple sentences in the English language.

Signature of the person authorized to sign, with his official character and authority.

Town or city, and date.

Ownership  
of certifi-  
cate.

This certificate belongs to, the person in whose behalf it is drawn, and it shall be surrendered to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same.

Certificate  
of age  
signed by  
whom.

The certificate as to the birthplace and age of the minor under sixteen and over fourteen years of age shall be signed by his father, his mother, his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same.

False state-  
ment in  
certificate,  
punish-  
ment for.

Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than fifty dollars, or imprisoned not more than thirty days, or by both such fine and imprisonment.

Penalty for  
violation.

SEC. 4. Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs, or suffers, or permits any minor to be employed in violation thereof, is guilty of a misdemeanor and shall, on conviction thereof be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or permit, or to post any notice required by this act, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate or permit is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city and county, in which the offense occurred.



SEC. 5. Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, viticultural or domestic labor, during the time the public schools are not in session, or during other than school hours. Excep-  
tions.

SEC. 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. But any person may lay an information before a magistrate of the commission of any public offense defined in this act. Duty of  
commis-  
sioner of  
labor  
statistics.

SEC. 7. This act shall take effect sixty days after its passage.

## CHAPTER XIX.

*An act amending section two of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five.*

[Approved February 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That section two of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, be amended to read as follows:

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or re-graded, to the official grade, planked or re-planked, paved or re-paved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, oiled or re-oiled, sewerd or re-sewerd, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing, and crosswalks to be constructed therein, or to order breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose; *provided*, that whenever the grade of a street, avenue, lane, alley, court, or place shall hereafter be Grade of  
streets.  
  
Repair of  
streets.  
  
Sewers.

Conditions on change of grade. changed, the petition of the owners of a majority of the feet fronting thereon, asking for grading the same to the new grade, shall be a condition precedent to the ordering of such grading to be done.

SEC. 2. That this act shall take effect and be in force immediately after its passage.

## CHAPTER XX.

*An act to amend section eight hundred and thirteen of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.*

[Approved February 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and thirteen of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Fire department, cities of fifth class.

Election of officers.

Chief to give bond.

Duties of chief.

Section 813. The fire department of a city of the fifth class shall consist of companies of volunteer or paid firemen, as the board of trustees may determine, organized into engine, hose, or hook and ladder companies. Such fire department, except where the same comprises one or more companies of paid firemen, and such companies of volunteer firemen, shall elect their own officers: but the board of trustees shall appoint the chief and other officers of such department, where the same comprises one or more companies of paid firemen. The election of any person as chief of any such volunteer fire department shall be forthwith certified by the secretary of said department to the board of trustees of such city, and by them, at their next regular meeting, confirmed. The chief of the fire department shall give a bond to the chairman of the board of trustees of such city, in the sum of one thousand dollars; the chief of every fire department shall inquire into the cause of every fire occurring in the city, and keep a record thereof. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fires when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management, and direction of the fire companies, hose, hook and

ladder companies, and engine, and fire departments of such city, and shall perform such other duties as may be by the ordinances of said city, or by law, imposed upon him. His compensation, which shall not be less than ten dollars per month, must be fixed and paid by the board of city trustees. Compensation of chief.

SEC. 2. This act shall take effect immediately.

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## CHAPTER XXI.

*An act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.*

[Approved February 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as may be necessary, for the support of the state printing office, the same to be used to pay the expenses of legislative printing for the thirty-sixth session. Legislative printing.

SEC. 2. This act shall take effect immediately.

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## CHAPTER XXII.

*An act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties.*

[Approved February 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The Board of Sutter's Fort Trustees, created and existing under an act entitled "An act to provide for the appointment of a Board of Sutter's Fort Trustees, and the acquisition of the Sutter Fort property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 7, 1891, are hereby authorized to receive and accept from William Randolph Hearst, trustee of the Landmarks Fund, without cost to the state, the possession and title to the old mission at Sonoma and Fort Ross in the county of Sonoma. Acquisition of Fort Ross.

SEC. 2. The said Board of Sutter's Fort Trustees shall provide for the preservation, maintenance, protection and improvement of the property hereinbefore described, in such way and manner as in their judgment may seem best and proper.

Acquisition of land-marks at Monterey.

SEC. 3. The Board of Monterey Custom House Trustees created and existing under an act entitled "An act to provide for the appointment of a Board of Monterey Custom House Trustees and for the acquisition and control of the Monterey custom house property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 16, 1901, are hereby authorized to receive and accept from William Randolph Hearst, trustee of the Landmarks Fund, without cost to the state, possession and title to the landing place at Monterey of Junipero Serra, in the county of Monterey, and old theater property at Monterey, in the county of Monterey.

SEC. 4. The said Board of Monterey Custom House Trustees shall provide for the preservation, maintenance, protection and improvement of the property last before described, in such way and manner as in their judgment may seem best and proper.

SEC. 5. This act shall take effect immediately.

### CHAPTER XXIII.

*An act to amend section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.*

[Approved February 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 595 of the Civil Code is hereby amended so as to read as follows:

Amount of real estate to be owned by certain corporations.

595. All such corporations may hold all the property of the association owned prior to incorporation, or acquired thereafter in any manner, and transact all business relative thereto; but no such corporation must own or hold more real estate than may be necessary for the business and objects of the association, and providing burial grounds for its deceased members, not to exceed six (6) whole lots in any city or town, nor more than fifty (50) acres in the country, the annual increase, income or profit, whereof must not exceed fifty thousand (\$50,000) dollars; *provided*, that any such corporation now or hereafter having, and having had continuously, for the next preceding three (3) years, the care, custody, control, and maintenance each year, upon an annual average of not less than one hundred (100) orphans, half orphans, and

indigent minor children, at any one orphan asylum, shall be entitled and allowed to own and possess any number of acres not exceeding one hundred and sixty (160) acres of land in the country, outside of any incorporated city or town, and the annual income or profit of which does not exceed fifty thousand (\$50,000) dollars; *and provided further*, that the limitations herein provided for shall not apply to corporations formed, or to be formed, under section six hundred and two (602) of the Civil Code, when the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes or to corporations organized for social purposes and purposes of recreation and not for profit; *and provided further*, that the limitations herein provided for shall not apply to corporations organized other than for profit, when the land is timber land, and not exceeding one hundred and sixty (160) acres in extent, and is held or used for the purposes of the organizations, in which case said land shall be subject to all laws regulating the preservation of forests.

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#### CHAPTER XXIV.

*An act to appropriate, out of the state school book fund of the state treasury, the sum of \$4,119.71 to pay the claim of Bonestell, Richardson & Company for money due and owing said Bonestell, Richardson & Company from the State of California.*

[Approved February 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of the state school book fund of the state treasury, the sum of four thousand one hundred and nineteen dollars and seventy-one cents to pay the claim of Bonestell, Richardson & Company against the State of California, the said sum of four thousand one hundred and nineteen dollars and seventy-one cents being now due and owing to the said Bonestell, Richardson & Company from the State of California.

Claim of  
Bonestell,  
Richard-  
son & Co.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of Bonestell, Richardson & Company for the sum of four thousand one hundred and nineteen dollars and seventy-one cents, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER XXV.

*An act making an appropriation to pay the claim of R. B. Young against the State of California.*

[Approved February 24, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of R. B. Young.

SECTION 1. The sum of thirty-one hundred and thirty-one dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of R. B. Young, against the State of California.

SEC. 2. The controller is hereby directed to draw his warrant in favor of said R. B. Young for the sum of thirty-one hundred and thirty-one dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January 1st, 1906.

## CHAPTER XXVI.

*An act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.*

[Approved February 24, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Mendocino State Hospital, sale of liquors within one mile of, prohibited.

SECTION 1. It shall not be lawful for any person to keep any saloon or bar, or sell or offer for sale any spirituous, vinous or malt liquors, within one mile of the asylum building of the Mendocino State Hospital for the Insane near Ukiah, in the county of Mendocino, State of California; and any person violating the provisions of this statute shall be guilty of a misdemeanor, and for each offense shall be punished by imprisonment in the county jail for not exceeding six months, or by fine not less than \$50, nor more than \$500; and in case of the non-payment of such fine such person may be imprisoned in the county jail at the rate of one day for each two dollars of said fine remaining unpaid.

Penalty.

## CHAPTER XXVII.

*An act to amend section 415 of the act entitled "An act to establish a Civil Code of the State of California," approved March 21st, 1872, in relation to the holding, purchase and conveyance of real estate by life insurance companies.*

[Approved February 24, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 415 of the Civil Code is hereby amended to read as follows:

415. *Purchase and conveyance of real estate.* No insurance corporation may purchase, hold or convey real estate, except as hereinafter set forth, to wit:

Insurance companies, what property may be held by.

1. The building in which it has its principal office and the land upon which it stands.

2. Also, such as may be requisite for its accommodation in the convenient transaction of its business.

3. Also, such as may be conveyed to it, or to any person for it, by way of mortgage, or in trust or otherwise, to secure or provide for the payment of loans previously contracted or for moneys due.

4. Also such as may be purchased at sales upon deeds of trust, or judgments obtained or made for such loans or debts.

5. Also such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

All such real estate, mentioned in subdivisions three, four and five, so acquired, which is not requisite for the accommodation of such corporation in the transaction of its business, must be sold and disposed of within five years after such corporation acquired title to the same.

What must be sold within five years after acquisition.

## CHAPTER XXVIII.

*An act to add a new section to be numbered and designated as section 321b, to an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this state.*

[Approved February 27, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section to be numbered and designated as Section 321b, is hereby added to the Civil Code of the State of California, to read as follows:

Stock-  
holders'  
meetings,  
who may  
vote at.

321b. At all meetings of stockholders of corporations organized under the laws of this state, or in the case of corporations having no capital stock, then at all meetings of the members of such corporation, only the stockholders or members actually present shall be entitled to vote on any proposition, including the election of directors and other officers of the corporation, unless proxies from absent or non-attending stockholders or members shall be held by some person or persons present at such meeting and shall be executed in accordance with the provisions of this section. Every such proxy must be executed in writing by the member or stockholder himself, or by his duly authorized attorney. No proxy heretofore given or made shall be valid after the expiration of eleven months from the passage of this act, unless the member or stockholder executing it shall have specified therein the length of time for which such proxy is to continue in force, which must be for some limited period, and in no case to exceed seven years from the date of the execution of such proxy. No proxy hereafter to be given or made shall be valid after the expiration of eleven months from the date of its execution, unless the member or stockholder executing it shall have specified therein the length of time for which such proxy is to continue in force, which must be for some limited period, and in no case to exceed seven years from the date of the execution of such proxy. Every proxy shall be revocable at the pleasure of the person executing it; but a corporation having no capital stock may prescribe in its by-laws the persons who may act as proxies for members, and the length of time for which such proxies may be executed.

Proxies  
void,  
when.

Maximum  
period of  
proxy.

Proxies  
revocable

## CHAPTER XXIX.

*An act to amend section 949 of the Code of Civil Procedure relating to appeals.*

[Approved February 27, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 949 of the Code of Civil Procedure is hereby amended to read as follows:

Appeals.

Stay of pro-  
ceedings  
in court  
below.

Excep-  
tions.

949. In cases not provided for in sections nine hundred and forty-two, nine hundred and forty-three, nine hundred and forty-four, and nine hundred and forty-five, the perfecting of an appeal by giving the undertaking or making the deposit mentioned in section nine hundred and forty-one, stays proceedings in the court below upon the judgment or order appealed from, except where it directs the sale of perishable property; in which case the court below may order the prop-



erty to be sold and the proceeds thereof to be deposited, to abide the judgment of the appellate court; and except, also, where it adjudges the defendant guilty of usurping, or intruding into, or unlawfully holding a public office, civil or military, within this state, and except, also, where the order grants, or refuses to grant, a change of the place of trial of an action; and except also where it orders a corporation or its officers or agents, or any of them, to give to a person adjudged to be a director, stockholder or member of such corporation a reasonable opportunity to inspect or take copies of such books, papers or documents of the corporation as the court finds that such director, stockholder or member is entitled by law to inspect or copy.

Excep-  
tions.

### CHAPTER XXX.

*An act to amend sections 2606 and 2607 of the Political Code of the State of California, relating to the establishment of a board of state harbor commissioners for the bay of San Diego.*

[Approved February 28, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-six hundred and six of the Political Code of the State of California is amended to read as follows:

2606. Every person, association or corporation desiring to construct, erect, extend, or maintain, or to continue the maintenance of any wharf, pier, marine ways, dry dock or ship yard in the waters of San Diego bay, or to procure the extension of his or its rights to maintain any wharf, pier, marine ways, dry dock or ship yard therein, must make an application to the said commissioners, in writing signed by the applicant or applicants, and setting forth a map, plat or plan of said wharf, pier, marine ways, dry dock or ship yard, showing the location thereof, and of the lands and waters bordering thereon or near the same, and the names of the owners, occupants, or claimants of such lands and waters, or of the use thereof. Said map, plat, or plan shall also show the dimensions, form and construction of said wharf, pier, marine ways, dry dock or ship yard, and the distance into and along said waters the same shall extend, and also show the uses and purposes to and for which said structure is to be applied and the convenience and necessity, public or private, of, or for the same. Upon the presentation and filing of such application the commissioners must appoint a time and place for hearing the same, which shall be at least ten days and not more than twenty days from its presentation. Notice of the hearing shall be given by the said commissioners, by publication in at least

Harbor,  
bay of San  
Diego.

Applica-  
tion to  
maintain  
wharf, etc.

Map or plat  
to show  
what.

Hearing of  
applica-  
tion.

Notice of  
hearing.

Continu- ance of hearing.	two daily newspapers published in the county of San Diego three times in the week of seven days, preceding the time appointed for the hearing. At the time and place appointed for such hearing, or such other time and place to which said hearing may be continued or adjourned, upon proof being made that notice of the hearing has been given as herein provided, the commissioners shall proceed to the examination of said application and the hearing of all parties and persons who may be brought before them touching or concerning the same, and after such hearing, and due deliberation, they may
Rejection or grant- ing of ap- plication.	reject or refuse the said application, or grant the same as asked for, or make such conditions, restrictions, limitations, alterations or additions as they may deem necessary or proper.
Period of permis- sion.	Such permission shall not be granted for a greater period than twenty-five (25) years. No person shall build, construct or maintain any wharf, or pier or marine ways, dry dock or ship yard, on or along the waters of said bay without first having obtained permission to do so from said commissioners, and whenever permission is granted to build, construct or maintain one, it shall be built, constructed or maintained out of material satisfactory to the said commissioners and not beyond the United States pierhead line; <i>provided</i> , no franchise granted within or bordering upon the corporate limits of any city shall be valid until the same shall be ratified and confirmed by an ordinance of such city. Said commissioners shall have authority to fix a maximum toll to be charged for the use of any wharf, pier, marine ways, dry dock or ship yard, whether the same has already been constructed or shall hereafter be constructed, and to make all needful rules and regulations concerning the use of the same; <i>provided further</i> , that if at any time the said commissioners shall desire to terminate any franchise and to purchase any wharf, pier, marine ways, dry dock or ship yard, and the purchase price thereof cannot be agreed upon, then the owner of said franchise shall select two disinterested persons; and the said commissioners two disinterested persons, who shall ascertain and fix the value thereof, and if three of said four persons cannot agree, then they shall appoint a fifth competent disinterested person, and any three of said five persons may fix the value thereof, and upon the payment or tender thereof by the commissioners, they shall be entitled to the possession thereof, and the title thereto shall vest in the State of California, and all franchises to build, construct or maintain any wharf, pier, marine ways, dry dock or ship yard, shall contain this provision therein; <i>provided</i> , that in fixing such value the franchise or privilege shall not be considered as of any value; <i>provided further</i> , that said commissioners shall fix the time when work shall be commenced upon any new structure and the time in which the same shall be completed, and if said structure shall not be completed within such time, or such additional time as the said commissioners shall give, then such right and franchise shall lapse and become void; <i>provided further</i> , that all fran-
How con- structed.	
Franchise confirmed by ordinance.	
Commis- sioners to fix toll.	
Purchase of wharf, etc., by commis- sioners.	
Title to vest in state.	
Work to be com- menced.	
Comple- tion of work.	

chises shall contain a provision to the effect that nothing therein contained shall be construed as permitting the erection or maintenance of any wharf, pier, marine ways, dry dock or ship yard, in such manner or in such place as to prevent or interfere with the erection and maintenance of a seawall in accordance with the plans heretofore adopted by said commissioners. The said commissioners are hereby authorized to grant to any person or railroad corporation authority to construct and maintain along and over the water front of the bay of San Diego, a railroad for a period not exceeding fifty (50) years, upon such terms and conditions as said commissioners may provide; *provided*, that where such railroad is within the limits of any city, such grant shall be approved, ratified and confirmed by an ordinance of such city.

Proviso in franchise.

Franchise for railroad.

Confirmed by ordinance.

2607. Sec. 1. The monthly salaries of the officers shall be as follows: Each of three commissioners, twenty-five dollars; the secretary, who shall be elected by the commissioners from their own number, one hundred dollars, in addition to his salary as commissioner. The salaries and compensation of all other officers and employés, when appointed, shall be fixed by a majority of the board of harbor commissioners; *provided*, that in no event shall the state be liable for the salaries of the members of said board of commissioners, or of the secretary thereof, or for the salary or compensation of any officer or employé elected or appointed by said board, or upon any contract made or entered into by said board. And it is hereby expressly provided that said board of commissioners shall not create any liability or indebtedness against the state in any manner or form whatsoever, and any liability or indebtedness so created, or attempted to be created, shall be absolutely null and void.

Salaries of commissioners, secretary, and employés.

State not liable for salaries.

Indebtedness against state not to be created.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXXI.

*An act to amend section 1489 of the Political Code relating to state normal schools.*

[Approved February 28, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1489 of the Political Code is hereby amended to read as follows:

Normal school trustees, powers of.

1489. The powers and duties of each board of trustees are as follows:

1. To elect a secretary, who shall receive such salary (not to exceed one hundred and fifty dollars per annum) as may be allowed by the board;

Secretary.

- Rules. 2. To prescribe rules for their government and the government of the school;
3. To prescribe rules for the report of officers and teachers of the school, and for visiting other schools and institutions;
- Supplies. 4. To provide for the purchase of school apparatus, furniture, stationery, and text-books for the use of pupils;
- Establish grades. 5. To establish and maintain model and training schools of the primary and grammar grades, and, in their discretion, of the kindergarten grade, and to require the students of the normal schools to teach and instruct classes therein;
- President and teachers. 6. To elect the president of the school, and to elect the teachers, upon their nomination by the president of the school, fix their salaries, and prescribe their duties; *provided*, that after the president or a teacher has served successfully and acceptably in the school for the period of two years prior to or after the passage of this act, his or her appointment thereafter may, at the discretion of the board of trustees, be made for a term not to exceed four years, unless removed for cause;
- Control of appropriations. 7. To control and expend all moneys appropriated for the support and maintenance of the school, and all moneys received for tuition or donations;
- Record of. 8. To cause a record of all their proceedings to be kept, which shall be open to public inspection at the school;
- Inspection of accounts, etc. 9. To keep open to public inspection an account of receipts and expenditures;
- Annual report. 10. To annually report to the state superintendent of public instruction a statement of their transactions, and of all matters pertaining to the school;
11. To transmit with such report a copy of the president's annual report;
- May revoke diploma. 12. To revoke any diploma by them granted, on receiving satisfactory evidence that the holder thereof is addicted to drunkenness, is guilty of gross immorality, or is reputedly dishonest in his dealings; *provided*, that such person shall have at least thirty days' previous notice of such contemplated action, and shall, if he ask it, be heard in his own defense.

## CHAPTER XXXII.

*An act to amend section eight hundred and forty-nine of the Code of Civil Procedure relating to service of summons issued out of the justice court.*

[Approved February 28, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and forty-nine of the Code of Civil Procedure is hereby amended to read as follows:

849. The summons may be served by a sheriff or constable of any of the counties of this state or by any other person of the age of eighteen years or over not a party to the action. When a summons issued by a justice of peace is to be served out of the county in which it is issued the summons must have attached to it a certificate under seal by the county clerk of such county to the effect that the person issuing the same was an acting justice of the peace at the date of the summons and must be served and returned as provided in title five, part two of the code, or it may be served by publication and sections four hundred and thirteen and four hundred and twelve so far as they relate to the publication of summons are made applicable to justices courts, the word justice being substituted for the word judge wherever the latter word occurs.

Justice court: service of summons; by whom served and returned:

### CHAPTER XXXIII.

*An act to amend section seventy-eight of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31st, 1897.*

[Approved February 28, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventy-eight of an act entitled, "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31st, 1897, is hereby amended so as to read as follows:

Formation of irrigation districts.

Section 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause, in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause,

Petition to exclude lands from hearing of.

What land may not be excluded.

What land  
may be.

withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which cannot be irrigated from, or which are not susceptible to, or would not, by reason of being permanently devoted to uses other than agricultural, horticultural, viticultural, or grazing, be directly benefited by the actual irrigation of the same from a common source, or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands of said district, or which are already irrigated, or entitled to be irrigated, from another source or by another system of irrigation works.

SEC. 2. This act shall take effect immediately.

#### CHAPTER XXXIV.

*An act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.*

[Approved February 28, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Drug  
clerks,  
hours of  
labor of.

SECTION 1. As a measure for the protection of public health, no person employed by any person, firm or corporation, shall for more than an average of ten hours a day or sixty hours a week of six consecutive calendar days, perform the work of selling drugs or other medicines, or compounding physicians' prescriptions, in any store, establishment or place of business, where and in which drugs or medicines are sold, at retail, and where and in which physicians' prescriptions are compounded; *provided* that the answering of and attending to emergency calls shall not be construed as a violation of this act.

Employer  
not to per-  
mit longer  
hours.

SEC. 2. No person, firm or corporation employing another person to do work which consists wholly or in part of selling, at retail, drugs or medicines, or of compounding physicians' prescriptions, in any store, or establishment or place of business where or in which medicines are sold and where and in which physicians' prescriptions are compounded shall require or permit said employed person to perform such work

for more than an average of ten hours a day, or sixty hours a week of six consecutive calendar days.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of misdemeanor and shall be punished therefor by a fine not less than twenty dollars nor more than fifty dollars, or by imprisonment for not exceeding sixty days, or by both such fine and imprisonment, at the discretion of the court. Penalty.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

### CHAPTER XXXV.

*An act to repeal two sections of the Code of Civil Procedure each being numbered eleven hundred and sixty-one, approved April 1st, 1878 and to substitute therefor a new section to be numbered eleven hundred and sixty-one relating to unlawful detainer.*

[Approved February 28, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The two sections of the Code of Civil Procedure each being numbered section eleven hundred and sixty-one are hereby expressly repealed and there is hereby substituted in such code a new section numbered eleven hundred and sixty-one to read as follows: Repeal.

1161. A tenant of real property, for a term less than life, is guilty of unlawful detainer: Unlawful detainer defined.

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; but in case of a tenancy at will it must first be terminated by notice, as prescribed in the Civil Code.

2. When he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment stating the amount which is due, or possession of the property, shall have been served upon him and if there is a subtenant in actual occupation of the premises, also upon such subtenant. Same.

Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of the term without any demand of possession or notice Notice to be served when.

to quit by the landlord, or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord, or the successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

Unlawful  
detainer,  
when.

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also, upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; *provided*, if the conditions and covenants of the lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated conditions or covenant of the lease.

Obtaining  
possession  
of prem-  
ises from  
subtenant.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant, in case of his unlawful detention of the premises underlet to him.

Lease to  
terminate,  
when.

4. Any tenant or subtenant assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his lease, thereby terminates the lease, and the landlord, or his successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provisions of this chapter.



## CHAPTER XXXVI.

*An act to amend sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code relating to the disposition of lands deeded to the state for non-payment of state and county taxes.*

[Approved March 1, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand eight hundred and ninety-seven of the Political Code of the State of California, is hereby amended to read as follows:

3897. Whenever the state shall become the owner of any property sold for taxes and the deed to the state has been filed with the controller as provided in section three thousand seven hundred and eighty-five, the controller may thereupon by a written authorization direct the tax collector of the county or city and county to sell the property or any part thereof as in his judgment he shall deem advisable in the manner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be at the United States post office nearest the land, in addition to a notice conspicuously posted on the land itself for the same period. Such notices must state specifically the place of and the day and hour of sale and shall contain a description of the property to be sold and shall also contain a detailed statement of all the delinquent taxes, penalties, costs and expenses up to the date of such sale and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof and said notice shall also embody a copy of the authorization received from the controller. It shall be the duty of the tax collector to mail a copy of said notice, postage thereon prepaid, to the party to whom the land was last assessed next before the sale, if such address be known. At the time set for such sale, the tax collector must sell the property described in the controller's authorization and said notices, at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property and all interests, costs, penalties and expenses up to the date of such sale; *provided, however*, that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon

Sale of property sold to state for taxes.

Notice of sale.

Notice to state what.

Notices sent to former owner.

Sold at public auction.

Amount of bid.

Proviso.

their minutes, declare that, in their judgment, the property so owned by the state, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the state for a sum equal to the amount of all taxes levied upon said property, and all interests, costs and penalties and expenses up to the date of such sale, and that it would be to the best interest of the state to sell the said property for a sum to be stated in said resolution less than the sum above named upon receipt of a copy of said resolution, certified by the clerk of said board of supervisors, the state controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum stated in said resolution, together with the expenses of sale. The expense of giving the notice herein required shall be a charge against the county.

SEC. 2. Section three thousand eight hundred and ninety-eight of the Political Code of the State of California is hereby amended to read as follows:

Distribu-  
tion of  
money  
received  
from sale.

3898. The moneys received from such sale shall be distributed as follows: The tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interests, costs and penalties up to the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed between the state and the county, or city and county, in the proportion that the state rate bears to the county, or city and county, rate of taxation; said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the state for its portion in the settlement required by section three thousand eight hundred and sixty-five and section three thousand eight hundred and sixty-six. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the purchaser, reciting the facts necessary to authorize such sale and conveyance, which deed shall convey all the interest of the state in and to such property, and shall be prima facie evidence of all facts recited therein.

Tax col-  
lector to  
execute  
deed.

CHAPTER XXXVII.

An act to amend section 850 of the Code of Civil Procedure relating to notice of trial or hearing thereof in justices' courts.

[Approved March 1, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 850 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

850. Notice of hearing. When all the parties served with process shall have appeared, or some of them have appeared, and the remaining defendants have made default, the justice must fix the day for the trial of said cause, whether the issue is one of law or fact, and give notice thereof to the parties to the action who have appeared, but in case any of the parties are represented by an attorney, then to such attorney. Such notice shall be in writing, signed by the justice, and substantially in the following form (filling blanks according to the facts):

Justices' court.

Notice of trial.

In the justice court,.....township (or city, or city and county), county, or city and county of....., State of California. ....plaintiff, vs. ...., defendant. To ....., plaintiff, or ....., attorney for plaintiff, and to ....., defendant, or ....., attorney for defendant.

Form of notice.

You and each of you will please take notice that the undersigned justice of the peace before whom the above-entitled cause is pending, has set for hearing the demurrer of....., filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said township (or city, or city and county), at .... o'clock .... m., on the ..... day of .....19.....

Dated this ..... day of .....19..... (Signed).....

Justice of the Peace.

Said notice shall be served by mail or personally. When served by mail the justice of the peace shall deposit copies thereof in a sealed envelope in the post office at least ten days before the trial or hearing addressed to each of the persons on whom it is to be served at their place of residence and the postage prepaid thereon; provided that such notice shall be served by mail only when the attorney on whom service is to be made, resides out of the county in which said justice's court is situated. When personally served said notice shall be served at least five days before the trial or hearing on the persons on whom it is to be served by any person competent and qualified to serve a summons in a justice's court and when personally served it shall be served returned and filed in like manner as a summons. The judge shall enter on his

When served by mail.

When personally served.

Date  
entered on  
docket.

docket the date of trial or hearing; and when such notice shall have been served by mail the justice shall enter on his docket the date of mailing such notice, of trial or hearing and such entry shall be prima facie evidence of the fact of such service. The parties are entitled to one hour in which to appear after the time fixed in said notice, but are not bound to remain longer than that time unless both parties have appeared and the justice being present is engaged in the trial of another cause.

#### CHAPTER XXXVIII.

*An act making an appropriation to pay the contingent expenses of the assembly, thirty-sixth session.*

[Approved March 2, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Contin-  
gent  
expenses of  
assembly.

SECTION 1. The sum of \$20,000.00 is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay contingent expenses of the assembly, thirty-sixth session.

SEC. 2. This act shall take effect immediately.

#### CHAPTER XXXIX.

*An act to repeal section 427 of the act entitled "An act to establish a Civil Code of the State of California," approved March 21st 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and twenty-seven of the Civil Code is hereby repealed.

SEC. 2. A new section is hereby added to the Civil Code of the State of California to be known as section four hundred and twenty-one, the same to read as follows:

Insurance  
corporations.

Invest-  
ment of  
capital.

421. Corporations organized subsequent to April first, eighteen hundred and seventy-eight, under the laws of this state for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:

1. In the purchase of, or loans upon interest-bearing bonds of the United States government. Securities.

2. In the purchase of, or loans upon interest-bearing bonds of any of the states of the United States, not in default for interest on such bonds.

3. In the purchase of, or loans upon interest-bearing bonds of any of the counties and incorporated cities and towns of any state or territory of the United States not in default for interest on such bonds.

4. In loans upon unincumbered real property, which shall be worth, at the time of the investment, at least, forty per cent more than the sum loaned, or upon merchandise or cereals in warehouse, but in no instance shall such loan be made in excess of seventy-five per cent of the security taken.

5. Corporations engaged in the business of insuring titles to real estate may, after the investment of one hundred thousand dollars in the manner provided for in subdivisions one, two, three and four of this section, invest an amount not exceeding fifty per cent of their subscribed capital stock, in the preparation or purchase of the materials or plant necessary to enable them to engage in such business; and such material or plant shall be deemed an asset valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such corporations. Title insurance.

6. Corporations organized for and engaged in the business of fire, life, health, accident and marine insurance, may, after the investment of two hundred thousand dollars, and corporations formed or organized for the transaction of business in any kind of insurance not enumerated in section four hundred and nineteen of the Civil Code may, after the investment of one hundred thousand dollars, in the manner provided in subdivisions one, two, three and four of this section, invest the balance of their capital and any accumulations in interest-bearing first mortgage bonds of any corporations (except mining companies), not in default of interest, organized and carrying on business under the laws of any state of the United States. *Provided*, that a two-thirds vote of all the directors of such corporations shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly, on the first days of January, April, July and October of each year to the insurance commissioner a list of such investments so made by them, and the insurance commissioner may, if such investments, or any of them, seem injudicious to him, require the sale of the same. But no investment in the securities named in subdivisions one, two, three and six of this section must be made in an amount exceeding the market value of such securities, at the date of such investment. Fire, life, health, accident, and marine insurance.

7. Life insurance companies, or corporations, no matter when organized, may loan upon their own policies, *provided* that the amount so loaned upon each policy shall not exceed Life insurance companies may loan upon their own policies.

the reserve against said policy at the time said loan is made; *provided further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section six hundred and thirty-four of the Political Code; and *provided further*, that whenever any such loan in any amount is made on a policy registered with the insurance commissioner under said section six hundred and thirty-four of the Political Code, such registration shall be forthwith canceled.

Construc-  
tion.

Nothing in this section contained shall be construed as in anywise affecting the provisions of section four hundred and forty-four of this code.

## CHAPTER XL.

*An act to amend section 2955 of an act entitled "An act to establish a Civil Code" approved March 21, 1872, relating to mortgages of personal property.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-nine hundred and fifty-five of the Civil Code is hereby amended so as to read as follows:

Chattel  
mortgages.

2955. Mortgages may be made upon the following personal property and none other:

1. Locomotives, engines and other rolling stock of a railroad.
2. Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics.
3. Steam engines and boilers.
4. Mining machinery.
5. Printing presses and material.
6. Professional libraries.
7. Instruments of surveyors, physicians and dentists.
8. Upholstery, furniture and household goods.
9. Oil paintings, pictures and works of art.
10. All growing crops, including grapes and fruit.
11. Vessels of more than five tons burden.
12. Instruments, negatives, furniture and fixtures of a photograph gallery.
13. The machinery, casks, pipes, tubes and utensils used in the manufacture or storage of wine, fruit brandy, fruit syrup or sugar; also wines, fruit brandy, fruit syrup, or sugar, with the cooperage in which the same are contained.
14. Pianos and organs.
15. Iron and steel safes.

16. Cattle, horses, mules, swine, sheep, goats, and turkeys and the increase thereof. Chattel mortgages.

17. Harvesters, threshing outfits, hay presses, wagons, farming implements, and the equipments of a livery stable, including buggies, carriages, harness, robes.

18. Abstract systems, books, maps, papers, and slips of searchers of records.

19. Raisins and dried fruits, cured or in process of being cured. Also all boxes, fruit graders, drying trays and fruit ladders.

20. Bees and bee-hives, apiaries and apiary stock including frames, combs and extractors, also honey at apiaries.

21. Machinery, tanks, stills, agitators, leachers, and apparatus used in producing and refining petroleum, asphaltum, fuel oils, lubricating oils and greases.

22. The bedroom furniture, carpets, tables, stoves, ranges, cooking utensils and all furniture and equipments usually found in a hotel.

## CHAPTER XLI.

*An act to add a new section to be known as section 42a, to an act entitled "An act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto and providing for the punishment thereof," approved February 23, 1893. Extending the provisions of sections 19 to 33 inclusive and sections 39 to 42 inclusive of said act to primary elections, and so providing for punishment of offenses at primary elections.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section, to be known as section 42a, is hereby added to an act entitled "An act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto and providing for the punishment thereof," approved February 23, 1893, so as to read as follows: Purity of elections law.

Section 42a. All the provisions of sections 19 to 33 inclusive and sections 39 to 42 inclusive shall apply with like force and effect to elections known and designated as primary elections, held and conducted under official supervision, pursuant to law and to registration therefor, as to other elections whether the word primary be used in connection with the word election or elections used in said sections of said act or not. Applies to primary elections.

## CHAPTER XLII.

*An act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the San Francisco State Normal School; and making an appropriation therefor.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

San Francisco Normal School, appropriation for erection of building, etc.

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any money or moneys in the state treasury not otherwise appropriated, to be expended by the board of trustees of the San Francisco State Normal School for the purchase of a site, for the erection, equipment and furnishing of a building or buildings, and for improvement of the grounds for the use of said San Francisco State Normal School, *provided* that not more than fifty thousand dollars of said appropriation shall be expended in the purchase of a site, and not more than ten thousand dollars shall be expended for equipment and furniture, and for the improvement of grounds.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant or warrants for the said amount in favor of the board of trustees of said San Francisco State Normal School, upon the requisition of said board, and the state treasurer is hereby ordered and directed to pay such warrants.

In force, when.

SEC. 3. This act shall take effect and be in force from and after July 1st, 1905.

## CHAPTER XLIII.

*An act to amend section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3804 of the Political Code of California is hereby amended to read as follows:

Taxes illegally collected.

3804. Any taxes, penalties or costs thereon heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, or any taxes heretofore or hereafter paid upon an assessment in excess of the actual cash value of the property so assessed, by reason of a clerical error of the assessor, as to the excess in such cases, or any



tax heretofore or hereafter paid upon an erroneous assessment of improvements on real estate not in fact in existence when said tax became a lien, may, by order of the board of supervisors, be refunded by the county treasurer. Whenever any payment shall have been made to the state treasurer, by the county treasurer, as provided by section 3865 and section 3866 of this code, and it shall afterwards appear to the satisfaction of the board of supervisors that a portion of the money so paid should be refunded as herein provided, said board of supervisors may refund such portion of the said taxes, penalties and costs so paid to the said treasurer to the person entitled to the same out of the general fund, and upon the rendering of the report required by section 3668 of this code the auditor shall certify to the controller, in such form as the controller may prescribe, all amounts so refunded, and in the next settlement of the county treasurer with the state the controller, if satisfied of the legality of such refunding, by the said board, shall give such treasurer credit for the state's portion of the amounts so refunded as prescribed in section 3871 of this code; *provided further*, that where the taxes, penalties and costs herein referred to are levied in behalf of any school district, municipality or other public or municipal corporation, and said corporation has money in the county treasury, said order to refund shall not be made except upon a certified copy of an order of the governing body of such corporation authorizing said repayment, in which case the amount refunded shall be paid by the county treasurer from the county fund of such school district, or from the appropriate fund of such corporation; *provided further, however*, that no order of the board of supervisors to refund taxes, penalties or costs shall be made except upon a verified claim therefor filed within three years after the making of the payment sought to be refunded.

Taxes paid on erroneous assessment.

Refunding of.

Auditor to certify to controller.

Verified claim, time for

SEC. 2. All acts or parts of acts in conflict with the provisions of this are hereby repealed.

Repeal of conflicting acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

#### CHAPTER XLIV.

*An act to amend section 1, of an act entitled "An act to amend an act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of an act entitled an act to amend an act authorizing and requiring boards and commissions having the management and control of paid fire departments

to grant the members thereof yearly vacations approved March 26, 1895, which became a law March 4, 1899, is hereby amended so as to read as follows:

Fire de- partments.	Section 1. In every city or city and county of this state where there is a regularly organized paid fire department, the board of supervisors, common council, commissions or other body having the management and control of the same are authorized and required once in every year to provide for each
Yearly vacation for members.	regular or permanent member thereof, a leave of absence from active duty of not less than five, nor more than fifteen days, in each year and in addition thereto a leave of absence from
Monthly vacation for members.	active duty of four days in every month of such service. Leave of absence so granted, as aforesaid, must be arranged by said board of commissions, so as not to interfere with or any
To receive pay during vacation.	way impair the efficiency of the said department; no deduction must be made from the salary or pay of any member of such fire department granted such leave of absence in the provisions of this act.

#### CHAPTER XLV.

*An act to amend section twelve hundred and seventy-seven of the Code of Civil Procedure of the State of California relating to fixing time for hearing applications for change of name, and publication of notice thereof.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Change of name.	SECTION 1. Section one thousand two hundred and seventy-seven of the Code of Civil Procedure of the State of California is hereby amended to read as follows:
Order to show cause.	1277. Upon the filing of the said petition the court shall thereupon make an order reciting the filing of the application, the name of the person or corporation by whom it is filed and the name proposed, and directing all persons interested in said matter to appear before the court, at a time and place specified, not less than four or more than eight weeks from the time of making such order, to show cause why the application for change of name should not be granted. A copy of the order to show cause must be published for four successive weeks in some newspaper of general circulation to be designated in the order, printed in the county, if a newspaper be printed therein, or, if no newspaper be printed in the county, a copy of such order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is held, for a like period. Proof must be made to the satisfaction of the court, of such publication, or posting, at the time of the hearing of the application.
Publica- tion of order.	
Proof of publica- tion.	

## CHAPTER XLVI.

*An act to amend section seven of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5th, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys their appointment and term of office.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers, thereof, approved March 5th, 1901," is hereby amended so as to read as follows:

Police courts in cities of 1½ class.

Section 7. Said police court shall have a prosecuting attorney and two assistant prosecuting attorneys, all of whom shall be appointed by the city attorney of said city, and who shall hold office for the term of two years from the date of their appointment. Said prosecuting attorney shall receive an annual salary of twenty-one hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. One of said assistant prosecuting attorneys shall receive an annual salary of eighteen hundred dollars and one of said assistant prosecuting attorneys shall receive an annual salary of fifteen hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by them. It shall be the duty of said prosecuting attorney and said assistant prosecuting attorneys to attend the sessions of said police court and conduct on behalf of the people all prosecutions for public offenses of which said court has jurisdiction.

Prosecuting attorneys for.

Salary of attorney.

Salary of assistants.

Duties of attorneys.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

## CHAPTER XLVII.

*An act to amend section five hundred and eighty-five of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and eighty-five of the Code of Civil Procedure is hereby amended to read as follows:  
 585. Judgment may be had, if the defendant fail to answer the complaint, as follows:

Judgment on failure to answer.

Action for recovery of money or damages.

Default, when entered.

Judgment entered.

Time for filing answer in other cases.

In action where service of summons is by publication.

Non-resident.

1. In an action arising upon contract for the recovery of money or damages only, if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk, upon application of the plaintiff, must enter the default of the defendant, and immediately thereafter enter judgment for the amount demanded in the prayer of the complaint, including the costs, against the defendant, or against one or more of several defendants in the cases provided for in section four hundred and fourteen;

2. In other actions, if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint. If the taking of an account, or the proof of any fact, is necessary, to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof; or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account be involved, by a reference as above provided;

3. In actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer has been filed, apply for judgment; and the court must thereupon require proof to be made of the demand mentioned in the complaint; and if the defendant be not a resident of the state, must require the plaintiff, or his agent, to be examined on oath, respecting any payments that have been made to the plaintiff, or to any one for his use, on account of such demand, and may render judgment for the amount which he is entitled to recover.

CHAPTER XLVIII.

An act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, superintendent of public instruction's office, for the fifty-sixth fiscal year.

[Approved March 3, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, and telegraphing, superintendent of public instruction's office, for the fifty-sixth fiscal year.

Superintendent of public instruction, appropriation for deficiency in postage, etc.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XLIX.

An act to amend an act entitled "An act to establish a Civil Code" approved March 21st, 1872, by amending section one hundred and thirty-eight of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

[Approved March 3, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and thirty-eight of the Civil Code of the State of California is hereby amended so as to read as follows:

138. In actions for divorce the court may, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such order for the custody, care, education, maintenance and support of such minor children as may seem necessary or proper, and may at any time modify or vacate the same.

Custody and maintenance of minors during actions for divorce.

## CHAPTER L.

*An act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this state and providing a penalty for the violation of this act.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Trees, etc., properly named as to variety and kind.

SECTION 1. All trees, seeds, plants and vines, sold, offered or exposed for sale in the State of California shall be properly named as to variety and kind, and any person knowingly selling, trading, or exchanging, or offering or exposing for sale any trees, seeds, plants or vines falsely named as to variety and kind shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars, nor more than three hundred dollars.

## CHAPTER LI.

*An act to amend section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 890 of the Code of Civil Procedure is hereby amended to read as follows:

Action dismissed without prejudice.

890. Judgment that the action be dismissed, without prejudice to a new action, may be entered with costs, in the following cases:

When plaintiff dismisses action or fails to prosecute.

1. When the plaintiff voluntarily dismisses the action before it is finally submitted; or fails to prosecute the action to judgment with reasonable diligence; *provided* a counter claim has not been made, or affirmative relief sought by the cross-complaint or answer of the defendant; if a provisional remedy has been allowed, the undertaking must thereupon be delivered by the justice of the peace to the defendant who may have his action thereon;

Undertaking delivered to defendant.

2. When he fails to appear at the time specified in the summons, or at the time to which the action has been postponed, or within one hour thereafter;

When plaintiff fails to appear.

3. When, after a demurrer to the complaint has been sustained, the plaintiff fails to amend it within the time allowed by the court;

When demurrer has been sustained.

4. When the action is brought in the wrong county, or township, or city.

## CHAPTER LII.

*An act to amend section seven hundred and sixty-four of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and sixty-four of an act entitled "An act to provide for the organization, incorporation and government of municipal incorporations," approved March thirteenth, eighteen hundred and eighty-three, and as amended March twenty-third, nineteen hundred and one, is hereby amended to read as follows:

Section 764. The board of trustees of such city shall have power:

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have any power to sell or convey any portion of any waterfront; but may rent such waterfront for a term not exceeding ten years for the purpose of erecting bath-houses thereon.

3. To contract for supplying the city with water and electric or other lights for municipal purposes; to purchase, lease, or construct water works, and electric plants, subject to the proviso in this subdivision contained, and all power, machinery, conductors, and appliances necessary therefor, and to supply said city with, and to sell to the inhabitants thereof, water, light, heat, and power; *provided*, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election, shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees

Municipal corporations.

Powers of trustees in cities of the fifth class.

Purchase real and personal property.

Water works and lighting plants.

Purchase or lease of.

After submission to vote of people.

Streets, bridges, etc.

General management of highways and places.

therein; and generally to manage and control all such high-ways and places.

Construct  
sewers, etc.

5. To establish, construct and maintain drains and sewers, and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same.

Provide  
fire  
engines.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

Impose  
road tax.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; *provided*, that any member of a volunteer fire company in such city shall be exempt from such tax.

Impose  
dog  
license.

8. To impose and collect an annual license, not exceeding two dollars on every dog owned or harbored within the limits of the city.

Levy and  
collect  
property  
tax.

9. To levy and collect annually a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty-five cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

License  
every  
kind of  
business.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise.

Improve  
rivers.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow.

Erect  
public  
buildings.

12. To erect and maintain buildings for municipal purposes.

Permit the  
laying of  
railroad  
tracks.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telegraph, telephone, and electric light lines therein.

Permit  
laying gas  
or water  
pipes.

Divide city  
into wards.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city



shall be so divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

Trustees to be elected by wards.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

Appoint policemen.

16. To impose fines, penalties, and forfeitures for any and all violation of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

Impose fines for violation of ordinances.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

Labor on streets.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, sheds, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

Establish fire limits.

Regulate construction of all buildings.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws.

General duties.

### CHAPTER LIII.

*An act to amend an act entitled "An act to establish a Political Code" approved March 12th, 1872, by amending section forty-two hundred and thirty-five of said code relative to the recording of instruments.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section forty-two hundred and thirty-five of the Political Code is hereby amended so as to read as follows:

4235. He must, upon the payment of his fees for the same, record separately, in a fair hand or typewriting, in large

County recorder, books to be used by.

Instru-  
ments to be  
recorded  
by.

and well-bound separate books, either sewed books or an insertable leaf, which when placed in the book can not be removed:

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved;
2. Mortgages of personal property;
3. Certificates of marriage and marriage contracts;
4. Wills admitted to probate;
5. Official bonds;
6. Notices of mechanics' liens;
7. Transcripts of judgments which by law of this state, or of the United States, are made liens upon real estate in this state;
8. Notices of attachments upon real estate;
9. Notices of the pendency of an action affecting real estate, the title thereto, or possession thereof;
10. Instruments describing or relating to the separate property of married women;
11. Notices of preëmption claims;
12. Births and deaths; and;
13. Such other writings as are required or permitted by law to be recorded.

#### CHAPTER LIV.

*An act to amend section 1593 of the Political Code of the State of California, (relating to the election of school trustees).*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and ninety-three of the Political Code of the State of California is hereby amended to read as follows:

Election of  
school  
trustees.

**1593.** An election for school trustees must be held in each school district on the first Friday of April of each year, at the district schoolhouse, if there is one, and if there is none, at the place to be designated by the board of trustees.

Number of

1. The number of school trustees for any school district, except where city boards are otherwise authorized by law, shall be three. No person shall be deemed ineligible to the office of trustee on account of sex.

Election  
in new  
districts.

2. In new school districts the school trustees shall be elected on the first Friday of April subsequent to the formation of the district, to hold office for one, two and three years, respectively, from the first day of July next succeeding their election.

Vacancies.

3. When a vacancy occurs from any of the causes specified in section nine hundred and ninety-six of this code, the county superintendent of schools shall appoint a suitable person to fill

such vacancy until the first day of July next succeeding the appointment, and a trustee shall be elected at the next April election, to hold office for the remainder of the term.

4. Except as provided in subdivision two and three of this section, one trustee shall be elected annually, to hold office for three years from the first day of July next succeeding his election, or until his successor shall be elected, or appointed, and qualified. Term of.

SEC. 2. This act shall take effect, and be in force, from and after its passage.

## CHAPTER LV.

*An act to amend section one hundred and three of the Code of Civil Procedure relating to justices' courts and justices of the peace.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case one justice of the peace must be elected in the manner herein provided for each of such courts. In every city or town of the third and the fourth class there must be one justice of the peace, and in every city or town of the first and one half class there must be three justices of the peace and in every city or town of the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities or towns, respectively; and such justices of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' courts of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police court,

Justices' courts, number of in townships. Election of justices.

Number of in cities.

Qualifica-  
tions of  
justices.

recorder's court, or mayor's court within such city. No person is eligible to the office of justice of the peace in any city or town of the first, first and one half, second or third class who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the third class shall receive a salary of two thousand dollars per annum; and every city justice of the peace in any city or town of the first and one half class and the second class shall receive a salary of twenty-four hundred dollars per annum; and each city justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary, it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town; such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justices of the peace in the cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer, of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

Salaries.

SEC. 2. This act shall take effect immediately.

## CHAPTER LVI.

*An act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Justices'  
courts,  
number of  
in town-  
ships.

103. There shall be at least one justices' court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township,

at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case one justice of the peace must be elected in the manner herein provided for each of such courts. In every city or town of the third and the fourth class there must be one justice of the peace, and in every city or town of the first and one half class there must be three justices of the peace, and every city or town of the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities or towns, respectively; and such justices of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' court of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police court, recorder's court, or mayor's court within such city. No person is eligible to the office of justice of the peace in any city or town of the first, first and one half, second or third class who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the third class shall receive a salary of two thousand dollars per annum; and every city justice of the peace in any city or town of the first and one half class and the second class, shall receive a salary of twenty-four hundred dollars per annum; and each city justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary, it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town, such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justice of the peace in the cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer of the amount of fees so by him collected, and pay the amount so collected into the city or

Election of justices.

Number of in cities.

Qualifications of justices.

Salaries.

town treasury to the credit of the general fund thereof. Said salary shall be the sole compensation of said city justices.

SEC. 2. This act shall take effect and be in force from and after twelve o'clock meridian on the first Monday after the first day of January, nineteen hundred and seven.

## CHAPTER LVII.

*An act to amend section 1560 of the Political Code of the State of California, relating to the public schools.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and sixty of the Political Code is hereby amended to read as follows:

Teachers'  
institutes  
in  
counties.

1560. The superintendent of every county in which there are twenty or more school districts, and of every city and county in the state, must hold at least one teachers' institute in each year; and every teacher employed in a public school in the county must attend such institute, and participate in its proceedings; *provided*, that the superintendents of two or more counties, city and county, or cities may unite for the purpose of holding a joint institute or convention and may direct the teachers of their respective counties, city and county, or cities to attend the same in lieu of the county, city and county, or city institute, under the same conditions and compensations as herein provided for the county, city and county, or city institute; *provided*, that the expense of such joint institute shall be borne equally by the counties participating therein, and the county auditor of each county participating in such joint institute shall draw his warrant in favor of the county superintendent upon requisition of said superintendent for such proportionate share of such county and the money paid thereon shall be applied to the expense of said joint institute; *provided further*, that cities employing seventy or more teachers may have a separate institute to meet at least once a year, the sessions to be of not less than three nor more than five days; *and provided further*, that teachers attending such city institute shall not be required to attend the county institute. The expenses of such city institutes, not exceeding two hundred dollars annually, shall be paid from the special school funds of said city.

Joint  
teachers'  
institutes.

Expenses.

Teachers'  
institutes  
in  
cities.

Expenses.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

## CHAPTER LVIII.

*An act to amend section 1615 of the Political Code of the State of California, (relating to the organization of a new school district.)*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen hundred and fifteen of the Political Code is hereby amended to read as follows:

1615. First—When a new district is organized, such of the trustees of the old district as reside within the boundaries of the new shall be trustees of the new district until the expiration of the time for which they were elected. Newschool districts; trustees of.

Second—When joint districts are formed, three trustees shall be elected at the April election next succeeding the formation thereof, to hold office for one, two and three years, respectively, from the first day of July next succeeding their election. The terms of the trustees in the districts uniting to form the joint district shall expire on the formation of said joint district, and the superintendent of the county, in which lies the district having the greater number of census children shall appoint two trustees, and the superintendent of the county in which the other district lies shall appoint one trustee, to hold office until the first day of July next succeeding the formation of the joint district. Joint districts; trustees of.

SEC. 2. This act shall take effect and be in force from and after its passage. Terms of.

## CHAPTER LIX.

*An act to amend section four hundred and twenty-four of the Penal Code of the State of California relative to embezzlement and falsification of accounts by public officers.*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and twenty-four of the Penal Code of the State of California is hereby amended to read as follows:

424. Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either:— Public officers.

1. Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or, Embezzlement and falsification of accounts by.

2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or,

3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,

4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or,

5. Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or,

6. Willfully omits to transfer the same, when such transfer is required by law; or,

7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same any money received by him under any duty imposed by law so to pay over the same;—

Is punishable by imprisonment in the state prison for not less than one nor more than ten years, and is disqualified from holding any office in this state.

## CHAPTER LX.

*An act to recede and regrant unto the United States of America, the "Yosemite Valley," and the land embracing the "Mariposa Big Tree Grove."*

[Approved March 3, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Yosemite  
Valley  
receded to  
the United  
States.

SECTION 1. The State of California does hereby recede and regrant unto the United States of America, the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced river, and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use, resort and recreation by the act of congress entitled "An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the 'Mariposa Big Tree Grove,'" approved June 30th, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of congress.

SEC. 2. The State of California does hereby recede and regrant unto the United States of America, the tracts embracing what is known as the "Mariposa Big Tree Grove," granted unto the State of California in trust for public use, resort and recreation by the act of congress referred to in section 1



of this act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of congress.

SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be held for all time by the United States of America for public use, resort and recreation, and imposing on the United States of America the cost of maintaining the same as a national park. *Provided, however,* that the recession and regrant hereby made shall not affect vested rights and interests of third persons.

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## CHAPTER LXI.

*An act to amend section thirty-four hundred and sixty-three of the Political Code, relating to the assessment lists in reclamation districts.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-four hundred and sixty-three of the Political Code of the State of California is hereby amended so as to read as follows:

3463. From and after the filing of the list, or certified copy thereof, the charges assessed upon any tract of land within the county constitute a lien thereon, and in any action to enforce said lien or to determine its validity, said list, duly executed by said commissioners, or a certified copy thereof shall be prima facie evidence of the matters therein contained, and that said commissioners were duly appointed and qualified, as required by law, and that they did view and assess upon the lands set forth in said lists the charges therein contained, and that said charges are in proportion to the whole expense and the benefits of which will result from the works of reclamation for which said assessment is so levied.

Reclamation districts.

Lien acquired by filing list.

List prima facie evidence.

## CHAPTER LXII.

*An act to amend section 625 of the Code of Civil Procedure, relating to verdicts of juries.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 625 of the Code of Civil Procedure is hereby amended to read as follows:

Action for recovery of money.

Jury to render general or special verdict.

Special verdict, when.

General verdict, when.

Filed with clerk.

Judgment of the court.

625. In an action for the recovery of money only, or specific real property, the jury, unless instructed by the court to render a special verdict, may in their discretion render a general or special verdict. In all cases the court must, upon the request in writing of any of the parties, direct the jury to find a special verdict in writing upon all or any of the issues and in all cases must instruct them upon the request in writing of any of the parties, if they render a general verdict, to find upon particular questions of fact; to be stated in writing, and must direct a written finding thereon. The special verdict or finding must be filed with the clerk and entered upon the minutes. Where a special finding of facts is inconsistent with the general verdict, the former controls the latter and the court must give judgment accordingly.

## CHAPTER LXIII.

*An act to amend section thirty-four hundred and sixty-one of the Political Code, relating to assessment lists in reclamation districts.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-four hundred and sixty-one of the Political Code of the State of California, is hereby amended so as to read as follows:

Reclamation districts.

List must contain, what.

3461. The list must contain:

1. A description by legal subdivisions, swamp land surveys, or natural boundaries of each tract assessed.
2. The number of acres in each tract.
3. The names of the owners of each tract, if known; and if unknown, that fact; but no mistake in the name of the owner, or supposed owner of the property assessed shall render the assessment thereof invalid.
4. The amount of the charge assessed against each tract.

## CHAPTER LXIV.

*An act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and fifty-eight of the Political Code is hereby amended to read as follows:

1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the primary and grammar grades of his county or city and county as follows: Apportionment of school money by superintendent.

1st. He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having seventy or a less number of census children and one additional teacher for each additional seventy census children, or fraction of seventy not less than twenty census children, as shown by the next preceding school census; and in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes; *provided*, that all children in any asylum, and not attending the public schools, of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled. Number of teachers.

2nd. He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers so allowed to the several districts. And he must at the time of making his annual report of the school census of his county or city and county, as provided in section 1551 of the Political Code, report to the superintendent of public instruction, under oath, the number of teachers ascertained and so allowed to his county or city and county by the rule or provisions of subdivision first hereof applied to said school census. Same.

3rd. Five hundred fifty dollars shall be apportioned to every school district for every teacher so allowed to it; *provided*, that to districts having over seventy or a multiple of seventy school census children and a fraction of less than twenty census children, there shall be apportioned twenty-five dollars for each census child in said fraction. Amount apportioned.

4th. All school moneys remaining on hand after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several Same.

districts in proportion to the average daily attendance in each district during the preceding school year; *provided*, that for any newly organized school district where school was not maintained during the year in which the school census was taken, the average daily attendance shall be such percentage of the average daily attendance of the old district or districts from which its territory was taken as the census of the new district is of the old and new districts combined. The county superintendent shall deduct from the average daily attendance of the old district or districts the average daily attendance of the new district as above determined. Census children, wherever mentioned in this chapter shall be construed to mean those between the ages of five and seventeen years.

Transfer of funds.

5th. Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this state, of their state, county, or city, or high school fund, the school districts or cities or cities and counties shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county superintendent shall give the treasurer of said county, city or city and county, an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, city, or city and county, to transfer from any fund not immediately needed to pay the claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be re-transferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

SEC. 2. This act shall take effect and be in force immediately after its passage.

#### CHAPTER LXV.

*An act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Tax levy for support of high schools.

SECTION 1. There is hereby levied annually for the fifty-fifth and fifty-sixth fiscal years, ending respectively June thirtieth, nineteen hundred and four, and June thirtieth, nineteen hundred and five, an ad valorem tax of one and one half cents

upon every hundred dollars of the value of the taxable property of the state, which tax shall be collected by the several officers charged with the collection of state taxes, in the same manner and at the same time as other state taxes are collected, upon all and any class of property, which tax is for the support of regularly established high schools of the state. And it is further enacted that, beginning with the fifty-seventh fiscal year, to wit: July first, nineteen hundred and five, it shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools. This amount he shall estimate by determining the amount required at fifteen dollars per pupil in average daily attendance in all the duly established high schools of the state for the last preceding school year, as certified to him by the state superintendent of public instruction. This amount the state controller, between the dates above given, must certify to the state board of equalization.

Duty of controller.

SEC. 2. The state board of equalization at the time when it annually determines and fixes the rate of state taxes to be collected, must declare the levy and the rate of tax for the support of state high schools in conformity with the provisions of section one of this act.

Duty of board of equalization.

SEC. 3. The money collected as provided in sections one and two hereof, after deducting the proportionate share of expenses of collecting the same to which other taxes are subject, must be paid into the state treasury, to be by the state treasurer converted into a separate fund, hereby created, to be called the "State High School Fund."

Money paid into state treasury.

SEC. 4. The money paid into the state high school fund is hereby appropriated without reference to fiscal years for the use and support of regularly established state high schools and is exempt from the provisions of part three, title one, article eighteen, of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the state board of examiners.

Apportionment without reference to fiscal years.

SEC. 5. The money in said state high school fund shall be apportioned to the high schools of the state by the state superintendent of public instruction in the following manner: He shall apportion one third of the annual amount among the county, district, city, union, or joint union high schools of the state, irrespective of the number of pupils enrolled or in average daily attendance therein, except as hereinafter provided; the remaining two thirds of the annual amount he shall apportion among such schools pro rata upon the basis of average daily attendance as shown by the official reports of the county or city and county school superintendents for the last preceding school year; *provided*, that such high schools have been organized under the law of the state, or have been recognized as existing under the high school laws of the state and have

Apportionment of funds.

Schools not eligible to share in apportionment.

Equipment of building necessary.

Principal to make annual report.

What report must show.

County superintendent to report annually.

maintained the grade of instruction required by law of the high schools; *and provided*, that no school shall be eligible to a share of said state high school fund that has not during the last preceding school year employed at least two regularly certificated high school teachers for a period of not less than one hundred and eighty days with not less than twenty pupils in average daily attendance for such length of time, except in newly established high schools wherein the minimum average daily attendance for the first year of one hundred and eighty days may be but twelve pupils and but one teacher; *and provided*, that before receiving state aid, each school shall furnish satisfactory evidence to the superintendent of public instruction of the possession of a reasonably good equipment of building, laboratory, and library, and of having maintained, the preceding school year, proper high school instruction for a term of at least one hundred and eighty days; *provided further*, that the foregoing provisions relating to the average daily attendance and the number of teachers employed shall not operate to disqualify any legally established high school existing at the date of the passage of this act from receiving a share of said state high school fund until July 1, 1904.

SEC. 6. The principal of every high school entitled to state aid in accord with the foregoing provisions shall annually at the close of the term and prior to receiving his last month's salary and as a prerequisite for such salary make out under oath and deliver to the county superintendent of the county or city and county wherein such high school is situated a full and complete report of said high school for the entire term or school year; such report to show the number of pupils enrolled, the average daily attendance, number of teachers regularly employed, the courses of instruction pursued, and such other information as may be required by the superintendent of public instruction and the county superintendent of schools, the said report to be made upon blanks furnished by said superintendent of public instruction as other school report blanks are furnished; *provided*, that in the case of joint union high school districts the principals thereof shall report as above required to county superintendents of each of the counties having territory within such joint union high school districts, and in such reports the statistics of attendance and other data for each county separately and collectively shall be given.

SEC. 7. The county superintendent of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, shall annually, at the time required for making reports of primary and grammar schools, make report under oath to the superintendent of public instruction, showing the number of pupils enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the high schools of his county, or city and county, as he may deem proper, or as may be required by the superintendent of public instruction; said

report to be made upon blanks furnished by the superintendent of public instruction.

SEC. 8. It shall be the duty of the county or city and county superintendent of schools of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, on the order of the board of trustees of such high school, to draw his requisition upon the county auditor against the funds of such high school, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of high school trustees or board of education against the state high school fund, except for teachers' salaries, and the order shall state the monthly salary of the teacher, and name the month or months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition, and the county treasurer is hereby authorized to pay the same.

Requisitions  
against  
fund.

SEC. 9. High schools eligible to receive state aid as herein provided shall admit as students only such pupils as have completed the full course of instruction prescribed for the primary and grammar schools of the county, city or city and county wherein the high school is located, or an equivalent course, or such pupils as may show by thorough examination that their qualifications are equivalent to the requirements for graduation from said primary and grammar school course; *provided*, that pupils otherwise qualified to enter a high school and residing in territory wherein no high school exists shall have the right to attend any high school that receives state aid under the provisions of this act without the payment of tuition fee, if such schools have room or accommodations for them; *further provided*, that after July 1, 1905, a non-resident pupil shall, in the discretion of the high school board of the high school district where he attends, be required to pay a tuition fee to such school equal to the difference between the cost per pupil for maintenance of such high school and the amount per pupil received during that school year by such high school from the state.

Condition  
of state  
aid.

Non-  
resident  
pupils.

SEC. 10. The state controller must keep a separate account of the high school fund raised as provided in sections one and two of this act. He must on the first Monday in January and on the first Monday in July in every year report to the superintendent of public instruction a statement of all moneys belonging to the state high school fund. He must draw his warrant on the state treasurer in favor of any county or city and county treasurer whenever such treasurer presents, with his indorsement, an order drawn by the superintendent of public instruction against the state high school fund, and the state treasurer is hereby authorized to pay the same; *provided*, that in the case of counties having joint union high school districts the order of the superintendent of public instruction and the warrant of the state controller shall be in

Duty of  
state  
controller.

favor of the county treasurer of that county wherein the high school building or buildings are located or wherein the high school is being conducted.

Duty of  
county  
treasurer.

SEC. 11. It is hereby made the duty of the treasurer of every county, or city and county, that receives state money under the provisions of this act to place the same to the credit of the funds of the respective high schools of his county, or city and county, in accord with the apportionment made by the superintendent of public instruction, and to pay out the same according to the provisions of section eight of this act.

Repeal of  
act of 1903.

SEC. 12. The act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903, is hereby repealed.

SEC. 13. This act shall take effect and be in force from and after July 1, 1905.

## CHAPTER LXVI.

*An act to amend section thirty-four hundred and sixty-six of the Political Code, relating to the collection of unpaid assessments in reclamation districts.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-four hundred and sixty-six of the Political Code of the State of California, is hereby amended so as to read as follows:

Collection  
of unpaid  
assessment  
in reclama-  
tion dis-  
tricts.

3466. At the end of thirty days, the treasurer must return the lists to the board of trustees of the district, and all unpaid assessments shall bear legal interest from the date of the return of the lists to said board, and shall thereafter be collected and paid in separate installments, of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; and a cause of action for the collection of any such installment shall accrue at the expiration of twenty days from the date of the order directing its payment; *provided*, that if any such installment shall remain unpaid at the expiration of said twenty days, then the whole of the assessment against the land owned by the person failing to pay such installment shall become due and payable at once, and may, in the discretion of the board, be collected immediately, in one and the same action. The board of trustees of the district must commence actions for the collection of such delinquent installments, and delinquent assessments, with interest thereon, and costs, and for the enforcement of the lien thereof on the land assessed, in the superior court of the county in which the land, or some portion of it, is situated, in which action all per-

Board of  
trustees  
must  
commence  
action.



sons claiming any interest in said land upon which said assessment is levied, and any person necessary to a complete determination of the action, may be joined as defendants in said action. No person holding a conveyance from or under the person to whom the land was assessed, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action, need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action. Notice of the pendency of such action may be filed in the office of the county recorder of the county in which the land affected by said action is situated, in the same manner and with like effect as in other actions affecting real property. When the name of any person, properly a defendant in any such action, as herein provided, is unknown to the said trustees such person may be joined in said action and be sued by a fictitious name, and if his true name is thereafter, and before final judgment, discovered or ascertained the same may be, thereafter, substituted for such fictitious name. Service of the summons in such action shall be made in the same manner as is provided by law for the service or publication of summons in other actions. Assessments on several tracts may be included in the same action, if listed to the same persons, and causes of action on separate assessments on the same land may be included in the same action. In all actions for the collection of delinquent assessments, the court may decree and adjudge a lien against each tract for the amount assessed against the same, and may order it to be sold, on execution or decree, as in other cases of sale of real estate on execution. The judgment or decree must direct that the sale be made for gold and silver coin of the United States. The board of trustees must pay the moneys collected to the county treasurer, who must place the same to the credit of the district.

Notice of action filed with recorder.

When defendant is unknown.

Service of summons.

Assessment on several tracts included in same action.

Money paid to county treasurer.

## CHAPTER LXVII.

*An act to amend section three of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3 of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," is hereby amended to read as follows:

Work upon streets, sewers, etc.

Resolution  
of  
intention.

Publica-  
tion of.

Street  
superin-  
tendent to  
post notice  
of passage  
of resolu-  
tion.

Contents  
of notice.

Publica-  
tion of  
notice.

Owners of  
property  
may make  
objections.

Objections  
to be in  
writing  
and filed  
with clerk.

Section 3. Before ordering any work done or improvement made, which is authorized by section two of this act, the city council shall pass a resolution of intention so to do, and describing the work, which shall be posted conspicuously for two days on or near the chamber door of said council, and published by two insertions in one or more daily, semi-weekly, or weekly newspapers published and circulated in said city, and designated by said council for that purpose. The street superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than one hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or any part thereof, in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said city council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated. In case there is no such paper published in said city, said notice shall be posted for six days on or near the chamber door of said council, and in two other conspicuous places in said city, as hereinafter provided. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and such objections so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvements, unless the owners of the one half or more of the frontage, as aforesaid, shall meanwhile petition for the same to be done. At any time before the issuance of the assessment roll, all owners of lots or lands liable to assessment therein, who, after the first publication of said resolution of intention, may feel aggrieved, or who may have objections to any of the subsequent proceedings of said council in relation to the performance of the work mentioned in said notice of intention, shall file with the clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said city council, and its decision therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, or cesspools,

crosswalks, or sidewalks, curbs and gutters, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work, as aforesaid, the said city council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable thereto. And when not more than two blocks, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon said street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, said city council may order any of the work mentioned in this act to be done upon said intervening ungraded or unimproved part of said street, or at the end of a street, and said work upon said intervening part, or at the end of a street, shall not be stayed or prevented by any written or other objection unless such council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved as aforesaid, said council may order the remainder improved, graded or otherwise, notwithstanding such objections of property owners. At the expiration of twenty days after the expiration of the time of said publication by said street superintendent, and at the expiration of twenty-five days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of a major frontage of the property fronting on said proposed work or improvement, or if any written objection purporting to be signed by the owners of a major frontage is disallowed by said council, as not of itself barring said work for six months, because in its judgment, said objection has not been legally signed by the owners of a majority of said frontage, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this act; which order, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the

Time of  
hearing  
objections.

When part  
of street is  
ungraded.

Work,  
when to  
commence.

Plans and  
specifica-  
tions.

Expense may be chargeable to a district. contemplated work of improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties, in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The city clerk shall lay said objections before the city council, which shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to each objector. At the time specified the city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the city council, the proceedings shall continue the same as if such objections had not been made.

Objections to work.

Hearing of objections.

Work to be stopped, when.

Objections overruled, work to continue.

#### CHAPTER LXVIII.

*An act making an appropriation for the contingent expenses of the senate for the thirty-sixth session of the legislature.*

[Approved March 6, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-sixth session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

SEC. 2. This act shall take effect immediately.

Contingent expenses of senate.

## CHAPTER LXIX.

*An act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon or other like device entitling the holder to receive such a prize, premium or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whoever sells or exchanges any property or offers or attempts so to do upon a representation advertisement notice or inducement that anything unidentified by or unselected by the purchaser at or before the time of the sale or exchange or upon a representation advertisement notice or inducement that anything whose precise nature is not so known to the purchaser at the time of the sale or exchange as to be completely identified beyond the necessity of any further or other selection or upon a representation notice advertisement or inducement that any property whose selection will depend upon chance or hazard in any manner whatsoever is or is to be delivered or received or is in any way connected with or is a part of the transaction as a prize, premium or premium gift; or whoever sells or exchanges any property or offers or attempts so to do upon a representation advertisement notice or inducement that a stamp, trading-stamp coupon or other device which entitles the purchaser to demand or receive either from the vendor or from any other person company association or corporation any other property unselected by or unidentified by the purchaser at or before the time of the said sale or exchange, or which entitles the purchaser to demand or receive either from the vendor or from any other person corporation association or company anything whose precise nature is not so known to the purchaser at the time of the said sale or exchange as to be completely identified beyond the necessity of any further or other selection, or which entitles the purchaser to receive or demand either from the vendor or from any other person, corporation association or company any property whose selection will depend upon chance or hazard in any manner whatsoever, is to be delivered or received or is in any way connected with or is a part of the transaction as a prize, premium or premium gift; or whoever sells or

Offering prizes on sale of merchandise prohibited.

Trading-stamps prohibited.

exchanges any trading stamp, stamp, coupon or other like device upon a contract to enable the purchaser to sell or exchange property, or attempt so to do, upon any representation, advertisement, notice or inducement of any kind hereinbefore mentioned; or whoever delivers any goods wares or merchandise upon the presentation of any such stamp coupon or other like device so given or caused to be given shall for each offense be guilty of a misdemeanor and be punishable by a fine of not less than twenty dollars or more than five hundred dollars, or imprisonment in a county jail for not less than ten days nor more than six months, or by both; *provided, however*, that the provisions of this act shall not apply or extend in any manner to the redemption of any such stamp, trading stamp, coupon or other like device that may have been issued as a premium, prize or premium-gift prior to the time this act takes effect; *and provided further* that the provisions of this act shall not apply or extend to any sale or exchange of articles in bulk, heap or mass, or a part or portion thereof, which sale or exchange is not made, effected or induced by or upon any representation, advertisement, notice or inducement of any kind hereinbefore specified.

Not to  
apply to  
stamps,  
etc.,  
already  
issued.

## CHAPTER LXX.

*An act to amend an act entitled "An act to establish a Civil Code," approved March 21st, 1872, relating to personal relations.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Personal  
relations  
forbid—

SECTION 1. Section forty-nine of the Civil Code of the State of California is hereby amended so as to read as follows:  
49. The rights of personal relations forbid:

Abduc-  
tion.

1. The abduction of a husband from his wife, or of a parent from his child.

Same.

2. The abduction or enticement of a wife from her husband, or a child from a parent, or from a guardian entitled to its custody.

Seduction.

3. The seduction of a wife, daughter, orphan sister, or servant.

Injury to  
servant.

4. Any injury to a servant which affects his ability to serve his master.

SEC. 2. This act shall take effect immediately.

CHAPTER LXXI.

*An act to amend section three thousand four hundred and fifty-seven of the Political Code of California relating to the nature and legal life of warrants of reclamation districts in the State of California.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand four hundred and fifty-seven of the Political Code of the State of California is amended to read as follows: Reclamation districts.

3457. The warrants drawn by the trustees must, after they are approved by the board of supervisors, be presented to the treasurer of the county, and if they are not paid on presentation, such indorsement must be made thereon, and they must be registered and bear interest from the date of presentation; but said warrants are, and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said reclamation warrants or connected therewith, is, and shall be the term of four years from the date of their issuance. No warrant shall be paid or received on an assessment, except within four years after the date of its issuance. The board of trustees and the treasurer must cancel all warrants not paid or received on assessment within four years after the date of issuance: *provided*, that any warrant not paid or received on assessment within four years after its issuance may, before the expiration of such four years, upon the demand of the owner or holder, be extended for a like period of four years, upon the presentation of the same to the board of trustees of the district, such extension being indorsed thereon by said board and a record thereof filed with the treasurer. In case an action or proceeding based upon any warrant, or connected therewith, be commenced within four years after the issuance of such warrant and final judgment obtained in favor of the holder or owner thereof, such warrant shall be paid or received on assessment the same as if it had been paid or received on assessment before the expiration of said four years from the date of its issuance. Warrants presentation of.

Registration of.

When paid.

Time extended.

Actions based upon warrant.

## CHAPTER LXXII.

*An act to amend section thirty-four hundred and forty-six of the Political Code, relating to the formation of reclamation districts.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Reclama-  
tion  
districts.

SECTION 1. Section thirty-four hundred and forty-six of the Political Code of the State of California is hereby amended to read as follows:

Petition  
for forma-  
tion of.

3446. Whenever the holders of title or evidence of title representing one half or more of any body of swamp and overflowed, salt marsh, or tide lands, or other lands subject to flood or overflow, susceptible of one mode of reclamation, desire to reclaim the same, they may present to the board of supervisors of the county in which the lands, or the greater part thereof are situated at a regular meeting of the board, a petition, setting forth that they propose to form a district for the reclamation of the same, a description of the lands by legal subdivisions or other boundaries, the county in which they are situated, the number of acres in the proposed district, and in each tract, with the names (if known) of the owners thereof, and designating as unsold any lands not reduced to private ownership.

## CHAPTER LXXIII.

*An act to amend sections 199 and 200 of the Code of Civil Procedure relating to the qualifications and exemptions of jurors.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 199 of the Code of Civil Procedure is hereby amended to read as follows:

Jurors,  
qualifica-  
tion of.

199. A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section;
2. Who has been convicted of malfeasance in office or any felony or other high crime; or
3. Who has been discharged as a juror by any court of record in this state within a year, as provided in section 203



of this code, or who has been drawn as a grand juror in any such court and served as such within a year, and been discharged.

4. A person who is serving as a grand juror in any court of record in this state is not competent to act as a trial juror in any such court.

And a person who is serving as a trial juror in any court of this state is not competent to act as a grand juror in any such court.

SEC. 2. Section two hundred of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

200. A person is exempt from liability to act as a juror if he be: Exempt from liability to act as a juror.

1. A judicial, civil, or military officer of the United States, or of this state;

2. A person holding a county, city and county, city, town or township office;

3. An attorney at law, or the clerk, secretary or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital asylum, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employé, or operator of a telegraph or telephone company doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town, or village in this state, or an exempt member of a duly organized fire company;

12. A superintendent, engineer, brakeman, motorman, or conductor on a railroad; or,

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year as hereinafter provided.

## CHAPTER LXXIV.

*An act to amend sections seven hundred and sixty-nine, eight hundred and six, and eight hundred and eighty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Municipal corporations.

SECTION 1. Section seven hundred and sixty-nine of the act the title of which is recited in the title hereof is hereby amended so as to read as follows:

Violation of ordinance in cities of fifth class.

Section 769. The violation of any ordinance of such city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail, or, if the board of trustees shall by ordinance so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county against such city.

SEC. 2. Section eight hundred and six of said act is hereby amended so as to read as follows:

Recorder's court established in cities of fifth class.

Section 806. A recorder's court is hereby established in such city, to be held by the recorder of such city, *provided*, that the provisions of this section as to the establishment of recorder's courts and recorders in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any recorder's court now existing in any such last mentioned city is hereby abolished. Said recorder's court shall have jurisdiction, concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of such city is over fifty dollars, the defendant is entitled to a jury.

Abolished when.

Jurisdiction.

Trial by court.

Defendant entitled to jury when.

Except as in this section otherwise provided, the rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases, and appeals may be taken to the superior court of the county in which such city may be situated, from all judgments of said recorder's court in like manner and with like effect as in cases of appeals from justices' courts.

Rules of practice.

SEC. 3. Section eight hundred and eighty-two of said act is hereby amended so as to read as follows:

Section 882. A recorder's court is hereby established in such city or town, to be held by the recorder of such city or town. Said recorder's court shall have jurisdiction, concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city or town, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city or town, of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city or town, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of such city or town is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city or town may be situated, from all judgments of said recorder's court, in like manner and with like effect as in cases of appeals from justices' courts.

Recorder's court established in cities of sixth class.

Jurisdiction.

Trial by court.

Trial by jury.

Rules of practice.

## CHAPTER LXXV.

*An act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be numbered two hundred seventy-three, to read as follows:

Protection of children.

Minor not  
to visit  
saloons,  
etc.

273. Any person whether as parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor under the age of eighteen years, is guilty of a misdemeanor.

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#### CHAPTER LXXVI.

*An act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of state school lands.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
H. W. Scott.

SECTION 1. The sum of five hundred sixty and twenty-two hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of H. W. Scott, for expenses incurred in foreclosing delinquent purchases of state school lands (the same having been approved by the state board of examiners).

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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#### CHAPTER LXXVII.

*An act to repeal an act entitled "An act for the further protection of stockholders in mining companies," approved April 23, 1880, and the act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. An act entitled "An act for the further protection of stockholders in mining companies," approved April twenty-third, eighteen hundred and eighty, and an act entitled "An act to amend section 1 of an act entitled 'An act for the further protection of stockholders in mining companies,' approved April 23, 1880," approved March ninth, eighteen hundred and ninety-seven, are hereby repealed.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXVIII.

*An act to amend section 737 of the Political Code, relating to salaries of superior judges.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 737 of the Political Code is hereby amended to read as follows:

737. The annual salaries of the judges of the superior courts of the city and county of San Francisco are six thousand dollars, of the counties of Alameda and Los Angeles five thousand dollars, San Joaquin, Santa Clara, Santa Cruz, San Mateo, Yuba, Sutter, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, San Luis Obispo, Shasta, Siskiyou, Santa Barbara, San Diego, Marin, Mendocino, Tehama, San Bernardino, Kern, Placer, Humboldt, Tulare, Fresno, Solano, Yolo, Contra Costa, Kings, Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera, Tuolumne, Napa and San Benito, four thousand dollars, of the county of Orange three thousand five hundred dollars, and of the county of Alpine two thousand dollars; one half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed.

Superior  
judges,  
salaries of.

## CHAPTER LXXIX.

*An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, by amending section ninety-four of said Civil Code, relating to extreme cruelty as a cause of action for divorce.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section ninety-four of the Civil Code is hereby amended so as to read as follows:

94. Extreme cruelty is the wrongful infliction of grievous bodily injury, or grievous mental suffering, upon the other by one party to the marriage.

Divorce,  
extreme  
cruelty  
cause of  
action for.

## CHAPTER LXXX.

*An act to amend Chapter IX of Title XI of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter IX of Title XI, Part III, of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

## CHAPTER IX.

## OF THE CONVEYANCE OF REAL ESTATE AND TRANSFER OF PERSONAL PROPERTY BY EXECUTORS AND ADMINISTRATORS IN CERTAIN CASES.

- Sec. 1597. Executor or administrator to complete contracts for sale of real or personal property.  
 Sec. 1598. Petition for executor or administrator to make conveyance or transfer, and notice of hearing.  
 Sec. 1599. Interested parties may contest.  
 Sec. 1600. Conveyances or transfers when ordered to be made.  
 Sec. 1601. Execution of conveyance or transfer and the recording of the order therefor.  
 Sec. 1602. Rights of petitioner to enforce the contract.  
 Sec. 1603. Effect of conveyance or transfer.  
 Sec. 1604. Effect of recording a copy of the decree.  
 Sec. 1605. Recording of the decree does not supersede power of court to enforce it.  
 Sec. 1606. Where party to whom conveyance or transfer to be made is dead.  
 Sec. 1607. Decree may direct possession to be surrendered.

Executors and administrators.

Completion of contract for sale of property.

Petition for conveyance.

Time for hearing of petition.

Publication of.

1597. When a person who is bound by contract in writing to convey any real estate, or to transfer any personal property, dies before making conveyance or transfer, and in all cases when such decedent, if living might be compelled to make such conveyance or transfer, the court, having jurisdiction of the probate proceedings of the estate of such decedent, may make a decree authorizing and directing the executor or administrator of such deceased person to convey or transfer such real estate or personal property to the person entitled thereto.

1598. On the presentation of a verified petition by any person claiming to be entitled to such conveyance or transfer from an executor or administrator of such deceased person, setting forth the facts, including a copy of the contract, upon which the claim is predicated, the court, or a judge thereof, must appoint a time and place for hearing the petition, and must order notices thereof to be published at least four successive weeks before such hearing, in such newspaper of gen-

eral circulation published in the county in which the court is held, as the court may designate.

1599. At the time and place appointed for the hearing, or at such other time to which the same may be postponed, upon satisfactory proof by affidavit or otherwise, of the due publication of the notice, the court shall proceed to hear the said petition, and all persons interested in the estate may appear and contest such petition, by filing their objections in writing, and the court may examine, on oath, the petitioner and all who may be produced before him for that purpose.

Interested parties may contest.

1600. If, after a full hearing upon the petition, and objections, if any there be, and examination of the facts and circumstances of the claim, the court is satisfied that the petitioner is entitled to a conveyance of the real estate, or a transfer of the personal property, described in the petition, a decree, authorizing and directing the executor or administrator to execute a conveyance or transfer thereof to the petitioner, must be made and entered on the minutes of the court.

Order and decree of court.

1601. The executor or administrator must execute the conveyance or transfer according to the directions contained in the decree, which decree shall be prima facie evidence of the correctness of the proceedings, and of the authority of the executor or administrator to make the conveyance or transfer. If the transaction relate to real property a certified copy of the decree must be recorded with the deed in the office of the recorder of the county in which the land conveyed is situated.

Execution of conveyance or transfer.

1602. If, upon the hearing, as hereinbefore provided, the right of the petitioner to have a specific performance of the contract is found to be doubtful, the court must dismiss the petition without prejudice to the rights of the petitioner, who may, at any time within six months after such dismissal, proceed by action to enforce a specific performance thereof.

Dismissal of petition.

1603. Every conveyance or transfer made in pursuance of a decree as provided in this chapter, shall pass title to the property contracted for, as fully as if the contracting party himself was still living, and executed the conveyance or transfer.

Title to pass.

1604. A copy of the decree for a conveyance or transfer as provided in this chapter, duly certified and recorded in the office of the recorder of the county in which the property is situated, gives the person entitled to the conveyance or transfer a right to the possession of the property contracted for, and to hold the same according to the terms of the intended conveyance or transfer, in like manner as if the same had been conveyed or transferred in pursuance of the decree.

Decree of court recorded, gives right to possession.

1605. The recording of any decree, as provided in the preceding section, shall not prevent the court making the decree from enforcing the same by other process.

1606. If the person entitled to the conveyance or transfer dies before the commencement of the proceedings therefor under this chapter, or before the completion of the conveyance or transfer, any person entitled to succeed to his rights in the

Death of person entitled to property.

contract, or the executor or administrator of such decedent, may, for the benefit of the person so entitled, commence such proceedings or prosecute any already commenced, and the conveyance or transfer must be so made as to vest the property in the person or persons entitled thereto, or in the executor or administrator, for their benefit.

Decree  
may direct  
surrender  
of  
property.

1607. The decree provided for in this chapter may direct the possession of the property therein described to be surrendered to the person entitled thereto upon his producing the deed or transfer and a certified copy of the decree, when, by the terms of the contract, possession is to be surrendered.

### CHAPTER LXXXI.

*An act to add a new section to the Code of Civil Procedure, to be known as section one thousand nine hundred and twenty-seven, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section one thousand nine hundred and twenty-seven, to read as follows:

U. S. min-  
eral land  
patent,  
date of  
location is  
prima facie  
evidence.

1927. Whenever any patent for mineral lands within the State of California, issued or granted by the United States of America, shall contain a statement of the date of the location of a claim or claims, upon which the granting or issuance of such patent is based, such statement shall be prima facie evidence of the date of such location.

### CHAPTER LXXXII.

*An act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claims  
against  
Home for  
Feeble-  
Minded  
Children.

SECTION 1. The sum of fifteen hundred dollars or so much thereof as may be necessary is hereby appropriated from any moneys in the state treasury not otherwise appropriated for



the payment of such claims against the California Home for the Care and Training of Feeble-Minded Children as were contracted during the fifty-third and fifty-fourth fiscal years. The controller is hereby directed to draw his warrants in favor of the holders of such of said claims as shall be allowed by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

### CHAPTER LXXXIII.

*An act making an appropriation of five thousand and seventy-five (\$5,075.00) dollars to repay the regents of the University of California for moneys appropriated by them to repair, maintain and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the controller and treasurer in relation thereto.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand and seventy-five (\$5,075) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to repay the regents of the University of California for moneys appropriated by them as follows, to wit:

Claims of regents of the University of California.

To repair the Santa Monica forestry station after the burning thereof, fifteen (\$15) dollars;

To maintain a temporary forestry station at Santa Monica, sixty (\$60) dollars;

For the erection of necessary buildings for a forestry station at Santa Monica, five thousand (\$5,000) dollars.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the same, payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrants.

SEC. 3. This act shall take effect and be enforced from and after its passage.

## CHAPTER LXXXIV.

*An act to amend an act entitled an act to amend an act entitled "An act to establish a state reform school for juvenile offenders and to make an appropriation therefor," approved March 11th, 1889, by amending the title to said act and by amending sections one, four, seven, eight, nine, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty thereof, and by adding three new sections thereto, to be numbered respectively sections sixteen a, sixteen b and sixteen c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the state school located and established under the aforesaid act and now maintained by the State of California at Whittier, in the county of Los Angeles therein, approved March 23rd, 1893, and adding certain sections thereto.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Whittier  
State  
School.

SECTION 1. Section sixteen of an act entitled an act to amend an act entitled "An act to establish a state reform school for juvenile offenders and to make an appropriation therefor," approved March 11th, 1889, by amending the title to said act and by amending sections one, four, seven, eight, nine, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty thereof, and by adding three new sections thereto, to be numbered respectively sections sixteen a, sixteen b and sixteen c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the state school located and established under the aforesaid act and now maintained by the State of California at Whittier, in the county of Los Angeles therein, approved March 23rd, 1893, is hereby amended to read as follows:

Commit-  
ment of  
minor to.

Section 16. When any boy between the ages of seven and sixteen or any girl between the ages of seven and eighteen years shall be found guilty by a superior court of any county

in the state, and who in the opinion of such court would be a fit subject for commitment to the said school, it shall be lawful for the said court to suspend judgment or sentence (except when the penalty is life imprisonment or death), and to commit such minor to the said school until any such male minor shall have reached the age of sixteen years and any such female minor shall have reached the age of twenty-one years unless sooner discharged by law or as in this act provided; but no minor who is under the age of seven years or who is suffering from any contagious, infectious or other disease which would probably endanger the lives or health of the other inmates of said school, shall be committed to said school; and further provided that no such minor shall be committed to said school unless the judge of such court shall be fully satisfied that the mental and physical condition and qualifications of said minor are such as to render it probable that such minor will be benefited by the reformatory and educational discipline of said school. The board of trustees of said school shall have authority to make rules reducing, as the reward for good conduct, the time for which such person or persons have been committed. It shall be the duty of all courts committing any minor to such school to certify to the superintendent thereof the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court or in such manner as the court may direct.

Rules for  
reward  
for good  
conduct.

SEC. 2. A new section is hereby added to the above entitled act, which section shall be numbered sixteen *a* and shall read as follows: Any child between seven and fourteen years of age, who willfully and habitually absents himself or herself from school contrary to the provisions of an act entitled an act to enforce the educational rights of children and providing penalties for violation of the act, approved March 24th, 1903, may be committed to the Whittier State School by any superior court judge on the complaint of any peace officer, teacher, parent, guardian or other person, under the same conditions and in the same manner as provided in section sixteen of this act.

Absence  
from  
school  
ground  
for  
commit-  
ment.

SEC. 3. A new section is hereby added to the above entitled act, which section shall be numbered sixteen *b* and shall read as follows: Any child who comes under the provision of an act entitled an act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act and prescribing the duties of such boards; and providing what proceedings under this act shall be admissible in evidence, approved February 26th, 1903,

Dependent  
and  
delinquent  
children  
may be  
com-  
mitted.

may be committed to the Whittier State School by any superior judge under the same conditions and in the same manner as provided in section sixteen of this act.

SEC. 4. Section sixteen *b* of above entitled act approved March 23, 1893, is hereby numbered and designated as sixteen *c*.

SEC. 5. Section sixteen *c* of above entitled act approved March 23, 1893, is hereby numbered and designated as sixteen *d*.

SEC. 6. Section sixteen *d* of above entitled act approved March 23, 1893, is hereby amended to read as follows:

Minor found to be incorrigible returned to court and committed to Preston School.

Section 16*e*. Any male minor who shall, during the time of his commitment, be found incorrigible, who shall be in the judgment of the board of trustees of said school determined to be an improper person for detention in said school, may be returned to the court from which such minor was committed, and upon written complaint of the said board, attested by the superintendent of said school, and filed with the original complaint, it shall be the duty of said court to commit said male minor to the Preston School of Industry for such judgment and sentence as would have been lawful at the time when the said minor was first committed to the said school.

SEC. 7. Section seventeen of above entitled act approved March 23, 1893, is amended to read as follows:

Commitment of minor charged with crime by grand jury.

Section 17. If any accusation of the commission of any crime shall be made against any male minor under the age of sixteen years or any female minor under the age of eighteen years before any grand jury and the charge appears to be supported by evidence sufficient to put the accused upon trial, the grand jury may, in their discretion, instead of finding an indictment against the accused, return to the superior court, as it appears to them that the accused is a suitable person to be committed to the court and guardianship of said institution. The court may thereupon order such commitment, if satisfied from the evidence that such commitment ought to be made, which examination may be waived by the parent or guardian of such minor.

SEC. 8. Section eighteen of above entitled act approved March 23, 1893, is amended to read as follows:

Minor on trial may be committed.

Section 18. If any male minor between the ages of seven and sixteen or any female minor between the ages of seven and eighteen shall be arraigned for trial in any court having competent jurisdiction, on charge of any violation of any criminal law of this state (except for the commission of a capital offense or attempt to commit a capital offense), the judge may, in his discretion, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution and commit the accused to the care and guardianship of this institution.

SEC. 9. Section nineteen of above entitled act, approved March 23rd, 1893, is amended to read as follows:

Section 19. All male minors between the ages of seven and sixteen and all female minors between the ages of seven and eighteen, who may be accused of any offense punishable by imprisonment, shall, with a view to the question whether they ought to be committed to said institution, be entitled to a private examination and trial before a court having competent jurisdiction, to which only the parties to the case and the parent or guardian of the accused and their attorneys shall be admitted, unless one of the parents, the guardian or other legal representative of the minor demand a public trial; in such case the proceedings shall be in the usual manner.

Minor charged with crime, examination of as to commitment.

SEC. 10. Within sixty days after the passage of this act and its approval by the governor, it shall be the duty of the board of trustees of the Whittier State School to cause all male inmates of said school who are over sixteen years of age to be committed to the Preston School of Industry.

Male inmates over sixteen committed to Preston School.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect immediately.

#### CHAPTER LXXXV.

*An act to amend section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1669 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1669. Before any decree of distribution of an estate is made, the court must be satisfied, by the oath of the executor or administrator, or otherwise, that all state, county and municipal taxes, legally levied upon property of the estate, and any inheritance tax which is due and payable have been fully paid.

Distribution of estate not to be made until taxes are paid.

## CHAPTER LXXXVI.

*An act to amend Article I of Chapter II, Title VII, of Part III, of the Political Code of the State of California, by adding a new section thereto, to be numbered section 2984, for the enforcement of the rules, orders and regulations of the state board of health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the state board of health.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Article I of Chapter II, Title VII, Part III, of the Political Code of the State of California is hereby amended by adding a new section thereto to be numbered section 2984, to read as follows:

Local boards of health to enforce rules made by state board of health.

2984. It shall be the duty of the board of health of each municipality and incorporated town within this state, and of every chief executive health officer thereof, where there is no municipal or town board of health, to enforce within such municipality and incorporated town all orders, rules and regulations concerning health and quarantine prescribed or directed by the state board of health; and it shall be the duty of such board of health, or chief executive health officer to report in writing to the state board of health on or before the fifth day of each month all infectious, contagious and communicable diseases in man or beast which shall come to their or his knowledge, upon blanks furnished by the state board of health. Said board of health, or chief executive health officer, where there is no board of health, in cases of local epidemic of disease shall report to the state board of health all facts concerning the disease and the measures taken to prevent or abate its spread, infection or contagion. Said board of health, or chief executive health officer where there is no board of health, shall report to the state board of health all violations of the state health laws, and of the laws relating to the registration of marriages, births and deaths, which shall come to their or his knowledge.

To make monthly reports to state board.

SEC. 2. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER LXXXVII.

*An act for the relief of Patrick Creighton.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of supervisors of the city and county of San Francisco are hereby authorized and directed to order paid to Patrick Creighton the sum of twenty-five thousand, one hundred and thirty-five dollars (\$25,135), which amount of principal remains due and unpaid to the said Patrick Creighton on contracts entered into with the superintendent of streets of said city and county, in his official capacity during the years 1869, 1870 and 1872, and for which he has received no compensation through errors, omissions and irregularities of the municipal officers of the said city and county in their official proceedings concerning said work.

San Francisco to pay claim of Patrick Creighton.

SEC. 2. The auditor of the said city and county of San Francisco is hereby authorized and directed to audit the said principal sum as above specified in section 1 and to issue his warrant therefor to Patrick Creighton; thereupon and upon the presentation of the said warrant to the treasurer of the city and county of San Francisco, the said treasurer shall pay the said warrant as other indebtedness of the said city and county of San Francisco.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

## CHAPTER LXXXVIII.

*An act to amend section 2153a of the Political Code of the State of California, relating to the employment of women as physicians in state hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma county.*

[Approved March 7, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2153a of the Political Code is hereby amended so as to read as follows:

2153a. The medical superintendent of each hospital must appoint, by and with the consent of the board of managers: 1. A supervisor, matron, and steward, and all

Hospitals and Home for Care of Feeble-Minded Children, appointments by superintendent.

employés, none of whom must be his relatives, or that of any member of the board of managers, either by consanguinity or marriage, who shall be subject to such examination as he deems for the best interest of the hospital, the questions to be prepared by the general superintendent, subject to the approval of the commission;

Physicians  
and  
internes.

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges, well educated in their profession, who have received a certificate from the state board of medical examiners, and of good moral character;

Qualifica-  
tions of  
physi-  
cians.

3. Where there are first and second assistant physicians, the first assistant physician must have had two years' actual experience, and the second assistant physician one year's actual experience in the care and treatment of the insane;

Woman  
physi-  
cians.

4. From and after the first day of July, A. D. 1905 whenever an additional assistant physician is appointed in any state hospital for the care and treatment of the insane or the California Home for the Care and Training of the Feeble-Minded Children at Eldridge, Sonoma County, the appointment of such additional assistant shall be so made that at least one physician in each of said state hospitals and said home shall be a woman.

Examina-  
tion of  
physi-  
cians.

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. Such examination shall be conducted by the medical superintendent on questions prepared by the general superintendent and by such medical superintendents as may be designated by the commission, subject to the approval of the commission. In passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

Homeo-  
pathic  
physi-  
cians.

6. At the homeopathic state hospital all assistant physicians and internes besides possessing the qualifications herein prescribed, must be graduates of an incorporated homeopathic medical college;

Duty of  
superin-  
tendent.

7. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses;

Same.

8. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

Same.

9. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or forms provided for that purpose;



10. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission; Duty of superintendent.

11. Keep a book, in which he must cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person; Same.

12. To prepare and keep the pay rolls of the hospital, and collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge; Same.

13. Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which must be approved by the board of managers, unless a different time is allowed by the commission. He must submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimate for supplies, either as to quality or quantity thereof, and must certify that it has carefully examined the same, and that the articles contained in such estimate, as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates, the commission must, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, advertise for four successive weeks, for contracts for furnishing such supplies; said advertising being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the state commission. All contracts must be awarded to the lowest responsible bidder, or bidders, upon their giving to the board of managers a bond, amounting to one fourth of their actual bids, as security for the faithful performance of the same. The board of managers reserves the right to reject any and all bids submitted to them. Same.

14. Prepare monthly triplicate estimates, as approved by the board of managers, two of which must be submitted to the commission, and the other filed in the superintendent's office, for necessary expenditures required for the hospital of which he is superintendent, for the ensuing month. The commission may revise these estimates for supplies, either as to quality, quantity, or price thereof, and must certify that

they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital; whereupon the board of managers must direct its superintendent to secure the supplies according to the approved estimates.

CHAPTER LXXXIX.

*An act forbidding the payment of municipal officers out of the funds of the county.*

[Approved March 8, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Fees in criminal cases not a charge against county.

SECTION 1. In no case shall the fees of a city justice of the peace, town or city recorder or city or town marshal, for services in any criminal action, be a charge against the county.

CHAPTER XC.

*An act to amend sections 773 and 871 of an act entitled: "An act to provide for the organization, incorporation and government of municipal corporations" approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.*

[Approved March 8, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Municipal corporations of fifth class.

SECTION 1. Section 773 of an act entitled: "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, is hereby amended so as to read as follows:

Powers and duties of trustees relating to taxes.

Section 773. The board of trustees shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this chapter. All taxes shall be collected by the marshal or treasurer, as may be determined by the board of trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real

property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state taxes.

SEC. 2. Section 871 of an act entitled: "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, is hereby amended so as to read as follows:

Municipal corporations of sixth class.

Section 871. The board of trustees shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city or town taxes not inconsistent with the provisions of this chapter. All taxes shall be collected by the marshal or treasurer, as may be determined by the board of trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state taxes.

Powers and duties of trustees relating to taxes.

SEC. 3. This act shall not repeal, or in any manner affect, modify, or interfere with the provisions of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations" approved March 27, 1895; or any of the pro-

Not to affect certain acts.

visions of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state, except municipal corporations of the first, second, third and fourth classes, and cities operating under a charter framed under section 8, article 11, of Constitution," approved March 2, 1891.

## CHAPTER XCI.

*An act to amend section No. 3805a of the Political Code of the State of California, relating to public lands upon which final payment has not been made.*

[Approved March 8, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Revenue  
and  
taxation.

Public  
lands upon  
which final  
payment  
has not  
been made.

If land has  
been sold  
to state for  
taxes, can-  
cellation of  
assess-  
ment.

SECTION 1. Section No. 3805a of the Political Code of the State of California is hereby amended to read as follows:

3805a. Whenever the possessory interest in land belonging to the United States, or land upon which final payment had not, at the time of assessment, been made to the United States, or land of this state upon which the full purchase price has not or had not been made to the state, has been, or may hereafter be, assessed and sold to the state for delinquent state, county or local district taxes, or whenever the taxes levied against any such possessory interests in lands, or against any such state lands, have not been paid, the board of supervisors shall, upon verified application of the owner of the land, by an order entered upon its minutes, direct the auditor to cancel such assessment; and if the property under such assessment has been sold to the state, and a certificate of sale or deed thereon issued to the state, such order of the board shall further direct the recorder to cancel such certificate of sale and deed; *provided*, that no order to cancel any such assessments, certificates of sale or deeds shall be made where the person or persons to whom such land or possessory interests, or state lands, his or their successors or assigns, have, after such assessment, obtained from the United States or this state a patent or the absolute title to said lands or retain any interest therein, or been in possession of the premises, *and provided* that no order to cancel any assessment shall be made whereby the person or persons, his or their successors or assigns shall be relieved from paying the taxes upon said property for the full time he or they have had the possession of said property, no matter in whose name said property was or had been assessed. Before an order to cancel such assessment, certificate of sale or deed shall be granted, the applicant shall file with the board a certificate of the register of the United States land office, or of the state land

office, showing that the person or persons to whom such assessment was made, his or their successors and assigns, never received a patent or otherwise acquired title to said lands. Upon effecting the cancellations provided for in this and the preceding section, all assessments, certificates of sale and deeds the subject of such cancellation shall be null and void.

Effect of  
cancellation.

## CHAPTER XCII.

*An act making an appropriation for the contingent expenses of the senate for the thirty-sixth session of the legislature.*

[Approved March 9, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-sixth session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

Contingent  
expenses  
of senate.

SEC. 2. This act shall take effect immediately.

## CHAPTER XCIII.

*An act to appropriate the sum of twelve hundred and seventy-six dollars to pay the amount of a judgment against the board of trustees of the Whittier State School and in favor of Lucy J. Harvey, and directing the state controller to draw his warrant for the same and the state treasurer to pay the same.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated the sum of twelve hundred and seventy-six dollars to pay the amount of a certain judgment against the board of trustees of the Whittier State School, a corporation, and in favor of Lucy J. Harvey, rendered and entered in the superior court of Los Angeles county, State of California, in case No. 26,804, entitled "Lucy J. Harvey vs. Board of Trustees of the Whittier State School," on September 3, 1901, and affirmed by the supreme court on March 7, 1904.

Payment  
of claim of  
Lucy J.  
Harvey.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said Lucy J. Harvey for said sum of twelve hundred and seventy-six dollars; and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect at once.

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#### CHAPTER XCIV.

*An act to amend section ten of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to holidays.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section ten of the said act to establish a Political Code is hereby amended so as to read as follows:

Holidays.

10. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons.

SEC. 2. All acts and parts of acts, so far as they conflict with this act, are hereby repealed.

## CHAPTER XCV.

*An act to amend section 32 of an act entitled "An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 32 of an act entitled "An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, is hereby amended so as to read as follows:

Purity of elections.

Section 32. A person offending against any provisions of sections nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty and thirty-one of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying on the ground that his testimony may incriminate himself, he shall not be excused, but in that case the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony, and he shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given. No person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid when such person so testifying does so voluntarily or when such person so testifying fails to ask to be excused from testifying on the ground that his testimony may incriminate himself, but in all such cases the testimony so given may be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation shall distinctly read this section to such witness, and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may criminate himself, and he shall

Witnesses against offending person.

Exempt from indictment, etc., when.

not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify upon such trial, hearing, proceeding or investigation.

SEC. 2. This act shall take effect immediately.

## CHAPTER XCVI.

*An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31st, 1901.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Sanitary districts

SECTION 1. Section eleven of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901, is hereby amended so as to read as follows:

Board of equalization.

Section 11. On the first Monday of July each year, at the hour of 7:30 o'clock P. M., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of

Assessment list.



equalization until the property upon the entire list returned by the assessor shall have been examined, rectified and equalized, with such reasonable intermissions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation, the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply; but no more than seventy-five thousand dollars of bonds shall be voted for or issued at any one time, nor shall the bonded indebtedness of the district ever exceed the sum of seventy-five thousand dollars at any one period, whether it be made up of one issue of bonds or of several issues.

Rate of  
taxation.

Tax lien  
upon  
property.

Statute of  
limitation  
not to  
apply.

\$75,000  
bonds the  
limit.

SEC. 2. Section twelve of said act is hereby amended to read as follows:

Section 12. As soon as practicable after the taxes have been computed and extended on the assessment list, verified by the assessor and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed on him by this act; *pro-*

Duty of tax  
collector.

Duty of  
district  
attorney.

Collection  
of  
delinquent  
taxes.

*vided*, that the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion, of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act; *and provided further*, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer.

SEC. 3. This act shall take effect immediately.

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## CHAPTER XCVII.

*An act amending section three thousand and eighty-eight of the Civil Code of the State of California, relating to negotiable instruments.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand and eighty-eight of the Civil Code of the State of California is amended so as to read as follows:

Negotiable  
instru-  
ment pay-  
able in  
money  
only.

3088. A negotiable instrument must be made payable in money only and without any condition not certain of fulfillment, except that it may provide for the payment of attorney's fees and costs of suit, in case suit be brought thereon to compel the payment thereof.

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## CHAPTER XCVIII.

*An act to provide for the payment of the claim of John F. Forward, against the State of California, and making appropriation therefor.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
John F.  
Forward.

SECTION 1. The sum of four thousand three hundred and thirty-three dollars and seventy-five cents is hereby appropriated, payable out of the moneys in the state treasury not

otherwise appropriated, to pay the claim of John F. Forward, against the State of California.

SEC. 2. The state controller is hereby authorized to draw his warrants for the sum herein made payable, and the state treasury is directed to pay the same.

SEC. 3. This act shall take effect July 1, 1905.

### CHAPTER XCIX.

*An act to appropriate the sum of twenty-five thousand (\$25,000) dollars for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the board of directors thereof and provide for the payment thereof and prescribing the duties of the controller and the treasurer in relation thereto.*

[Approved March 10, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-five thousand (\$25,000) dollars is hereby appropriated out of any money of the state treasury not otherwise appropriated to be expended by the board of directors of the Industrial Home of Mechanical Trades for the Adult Blind in the construction of a building at Oakland, Alameda County, California, on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind as a workshop for the use and accommodation of the inmates of the said home.

Industrial Home of Mechanical Trades for the Adult Blind, workshop for.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the sum of twenty-five thousand (\$25,000) dollars payable to the order of the board of directors of the Industrial Home of Mechanical Trades for the Adult Blind and the treasurer of the state is hereby directed to pay the same.

SEC. 3. This act shall take effect from and after the first day of January A. D. 1905.

### CHAPTER C.

*An act making an appropriation to pay the salary of the secretary of the state text-book committee.*

[Approved March 11, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of forty-one hundred twenty-five dollars (\$4,125.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury

Secretary state text-book committee, salary.

not otherwise appropriated, to pay the salary of the secretary of the state text-book committee from June 1, 1903, to July 1, 1905.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CI.

*An act making an appropriation to pay for printing, binding, and ruling and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissions, prisons, schools, hospitals and other state institutions, for the remainder of the fifty-sixth fiscal year.*

[Approved March 11, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for printing, state officers, boards, etc.

SECTION 1. The sum of seventeen thousand three hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay for all printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissioners, prisons, schools, hospitals, and other state institutions for the remainder of the fifty-sixth fiscal year; *provided*, that all requisitions or parts thereof made upon said appropriation may be reduced or rejected by the state board of examiners, *and provided further*, that said appropriation shall be apportioned as follows:

Adjutant-General, one thousand dollars.

Board of Equalization, one hundred dollars.

Deaf, Dumb and Blind Institution, one hundred dollars.

Home for Adult Blind, one hundred dollars.

San Francisco Pilot Commissioners, one hundred dollars.

Surveyor-General, four hundred dollars.

State Normal School, Chico, three hundred and fifty dollars.

State Normal School, San Francisco, two hundred and fifty dollars.

State Normal School, San Diego, two hundred dollars.

California Polytechnic School, two hundred and fifty dollars.

State Prison, Folsom, two hundred and fifty dollars.

Lunaey Commission, three hundred dollars.

Superintendent of Public Instruction, four thousand five hundred dollars.

State University, five thousand dollars.

State Treasurer, four hundred dollars.

Débris Commissioner, one hundred dollars.

District Courts of Appeal, two thousand dollars.

Insurance Commissioner, six hundred dollars.

Bank Commissioners, one thousand three hundred dollars.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein made payable upon demands approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

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## CHAPTER CII.

*An act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-sixth session of the legislature, and directing the state controller and state treasurer to make such transfer.*

[Approved March 13, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of seven thousand five hundred dollars (\$7,500.00) is hereby transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-sixth session of the legislature. Transfer from general fund for legislative printing.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect immediately.

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## CHAPTER CIII.

*An act to amend section 1278 of the Code of Civil Procedure of the State of California relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the secretary of state, by corporations, that name desired is not the name of any other corporation or so closely resembles the same as will tend to deceive.*

[Approved March 14, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1278 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1278. Such application must be heard at such time as the court may appoint, and objections may be filed by any person who can, in such objections, show to the court good reason against such change of name. On the hearing, the Corporations and persons, change of name.

Hearing. court may examine on oath any of the petitioners, remonstrants, or other persons, touching the application, and may make an order changing the name, or dismissing the application, as to the court may seem right and proper. *Provided*, that if the applicant for a change of name be a corporation, such applicant shall file in court at the time of hearing the application, the certificate of the secretary of state that the name desired to be used by the applicant, is not the corporate name of any corporation existing at said time, and that said name does not so closely resemble the name of any such existing corporation as will tend to deceive.

Certificate of secretary of state that name of corporation is not already used.

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#### CHAPTER CIV.

*An act to provide one (1) additional judge of the superior court of the county of San Joaquin, State of California; for the manner of his election and for his compensation.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

San Joaquin county, additional judge.

SECTION 1. From and after the first day of January, A. D. one thousand nine hundred and seven, the number of judges of the superior court of the county of San Joaquin, State of California, is hereby increased from two to three.

Election of.

SEC. 2. At the general election to be held in November, A. D. one thousand nine hundred and six, one additional judge of the superior court of the county of San Joaquin, State of California, shall be elected and hold office in the manner prescribed by the constitution and by law.

Salary.

SEC. 3. The salary of such additional judge shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the superior court of said county, now authorized by law.

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#### CHAPTER CV.

*An act to provide for the improvement of the campus of the State Normal School at San Diego, and to provide for and connect the said normal school building with the sewer system of the city of San Diego and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Normal school at San Diego

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the State Normal School at San Diego, in making sewer

connection of said building with the sewer system of the city of San Diego, and making suitable improvements on the campus or grounds surrounding said State Normal School at San Diego and belonging to the State of California. Said improvements shall include all necessary curbing, sidewalks, crosswalks, roadways, piping for water, tree planting, lawns, athletic grounds, and all other necessary improvements.

Sewer system.

Improvements on grounds.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of trustees of said state normal school and approved by the state board of examiners before being paid.

Bids for materials.

SEC. 4. This act shall take effect immediately.

## CHAPTER CVI.

*An act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing and contingent expenses of the attorney-general's office for the fifty-fifth fiscal year.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred eleven and twenty-three one hundredths dollars (\$111.23) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, telegraphing and contingent expenses of the attorney-general's office for the fifty-fifth fiscal year.

Attorney-general's office, deficiency for postage, etc.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CVII.

*An act making an appropriation to pay a deficiency in the appropriation for the preservation, protection and improvement of the Monterey custom house property.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Monterey  
custom  
house,  
deficiency  
for.

SECTION 1. The sum of one hundred nineteen and fifteen hundredths (\$119.15) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for preservation, protection and improvement of the Monterey custom house property.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CVIII.

*An act to further perpetuate the markings of the government survey.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
surveyor,  
duties  
relating to  
marking  
government  
surveys.

SECTION 1. When in the performance of his official duties any county surveyor shall find a government corner which has been marked by any government surveyor by placing charcoal in the ground, or by a wooden stake, earth mound, or other perishable monument, it shall be his duty, to remark said corner by placing therein a monument of heavily galvanized iron pipe or galvanized iron stake not less than two inches in diameter and not less than two feet long, or other monument not less in size and equally imperishable.

How  
placed.

SEC. 2. All such monuments located in public highways shall be placed with the top not less than twelve inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground. If the top of the monument is placed above the ground, it shall be not less than four feet long, if of metal.

Witness  
objects  
recorded.

SEC. 3. The surveyor shall note witness objects that are within a reasonable distance of any corner, and state dis-



tance and course from said corner, and record the same in a properly indexed record book kept in the county surveyor's office, which shall be a public record.

SEC. 4. All boards of supervisors are required to furnish all necessary pipes or stakes for monuments for their respective counties without cost, on demand.

Super-  
visors to  
furnish  
stakes, etc.

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### CHAPTER CIX.

*An act to appropriate the sum of \$150 to pay the claim of I. E. Cohn against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$150 is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of I. E. Cohn against the State of California. The state controller is hereby authorized and directed to draw his warrant for said amount and the state treasurer is hereby directed to pay the sum.

Claim of  
I. E. Cohn.

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### CHAPTER CX.

*An act to amend sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal section 3084 of the Political Code of the State of California, relating to the state board of health and the registration of births, marriages and deaths, and providing for the compensation of a state statistician and assistants.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand and seventy-four of the Political Code of the State of California is hereby amended to read as follows:

State board  
of health.

3074. The state board of health shall maintain, at the city of Sacramento, a bureau of vital statistics for the complete and proper registration of births, marriages and deaths, for legal, sanitary and statistical purposes, which bureau shall be under the supervision of the secretary of the state board of health, who shall be ex-officio state registrar of vital statistics, and whose duty it shall be, after consultation with the state board of health, to promulgate and

Bureau of  
vital  
statistics.

State  
registrar.

Duty of.

enforce all necessary rules and regulations that may be required to carry out the provisions of this chapter.

Sec. 2. Section three thousand and seventy-five of said Political Code is hereby amended to read as follows:

Statistician, appointment of.

3075. The state board of health shall appoint a competent statistician to assist the state registrar of vital statistics and such clerical and professional assistants as may be required for the proper discharge of the duties of said registrar. Said statistician shall also be an assistant to the secretary of the state board of health. The statistician so appointed shall hold office at the pleasure of the board and shall receive an annual salary of eighteen hundred dollars payable out of the general fund of the state from money not otherwise appropriated at the time and in the manner in which state officers are paid. The compensation for clerical and professional assistants shall be fixed by the board and shall be payable from its fund for contingent expenses provided in the general appropriation act.

Term of office and salary of statistician.

Assistants and clerks.

Sec. 3. Section three thousand and seventy-six of said Political Code is amended to read as follows:

Registry of marriages performed.

3076. All persons who perform the marriage ceremony in this state shall within three days after the ceremony file with the county recorder a certificate of registry of the marriage performed by them in such form as may be prescribed by the state registrar which shall contain among other matters as near as can be ascertained, the place and date of marriage, sex, race, color, age, name and surname, birthplace, residence of the parties married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplace of the parents of each and the maiden name of the mother of each.

Sec. 4. Section three thousand and seventy-seven of said Political Code is hereby amended to read as follows:

Registry of births.

3077. Physicians, midwives, nurses and other persons assisting at a birth shall return in writing within five days thereafter to the county recorder of the county where such birth takes place in such form as may be prescribed by the state registrar a certificate of registry of such birth which shall contain among other matters, the time and place of such birth, name, sex, race and color of the child, the name, residence, age, birthplace and occupation of the parents and the maiden name of the mother, and whether born in or out of wedlock, and such other information as may be required by the state registrar; *provided, however*, that in cities having a freeholders charter the health officer shall act as local registrar and perform all the duties thereof. In case the child is not named the recorder or registrar of such locality shall deliver to such parent, next of kin, physician, midwife or other person furnishing such certificate of birth a supplementary blank for report of given name, which

Local health officer to act as registrar, when.

shall be filled out and returned as soon as the child shall be named. In case there shall be no physician, midwife, or nurse attending at such birth, then, it shall be the duty of the parents of any child born in this state (and if there be no parent alive, then the next of kin of said child) within ten days after such birth to report in writing to the recorder of the county or health officer of cities having a freeholders charter where such birth takes place, in such form as may be prescribed by the state registrar, the date, place and residence, name, sex, race, and color of such child; and the names, residence, birthplace and age of the parents, their occupations, and the maiden name of the mother, and whether born in or out of wedlock, and such other information required by the state registrar.

Registry of  
births,  
duty of  
parent

SEC. 5. Section three thousand and seventy-eight of said Political Code is amended to read as follows:

3078. It shall be the duty of every county recorder to receive without fee or charge each certificate of registry of marriage and birth; *provided, however,* that in cities having a freeholders charter the health officer shall act as local registrar for births, and shall receive, without fee or charge, each certificate of birth and enter the same in the same manner as provided for the county recorder; to enter the same in separate registers to be known as the "Register of Marriages," and the "Register of Births," in separate columns, properly headed, the various facts contained in the certificates and the name and official or clerical position of the person making the report. The recorder or health officer must carefully examine each report, and register the same marriage, or birth but once, although it may be reported by different persons. The certificates shall be numbered by him and entered in the order in which they are reported to him. On or before the fifth day of each month each recorder, or health officer, shall transmit by United States mail, carefully inclosed in appropriate envelopes or wrappers, addressed to the state registrar at Sacramento, or shall personally deliver to him at his office in Sacramento, on or before the fifth day of each month, the original certificates of births and marriages filed with him during the preceding month, and shall accompany said certificates with a brief statement of the number of such certificates, and the dates of their receipt. The state registrar shall thereupon file said original certificates of marriage and births, and cause the same to be separately and systematically indexed.

County  
recorder,  
duty of.

Duty  
of health  
officer.

Report to  
state  
registrar  
by recorder  
and local  
health  
officer.

Original  
certificates  
of  
marriages  
and births,  
filing of.

SEC. 6. Section three thousand and seventy-nine of said Political Code is amended as follows:

3079. For their services as required by section 3078 of this code, county recorders, or health officers of cities having a freeholders charter, shall, in addition to their compensation for the other duties of their office, be allowed by the board of supervisors, ten cents for each name registered and reported to the state registrar, which sum shall be paid out

Fee of re-  
corder  
and health  
officer.

of the general fund of the county upon warrants issued quarterly and signed by the county auditor and approved by the state registrar, which warrants shall specify the number of certificates of marriages and births properly registered and filed with the state registrar.

SEC. 7. Section three thousand and eighty of said Political Code is hereby amended to read as follows:

State registrar to prepare blank form and instructions

3080. The state registrar shall prepare a sample form and blank for use in registering, recording and preserving the reports of marriages and births, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no other forms of blanks shall be used than those prescribed by the state registrar. Printed blanks in the form prescribed by the state registrar for the registration of marriages and births shall be furnished to each recorder or health officer by the board of supervisors of each county or city and county in sufficient quantities, and each recorder or health officer shall furnish without charge a sufficient number of copies to each applicant upon whom is imposed the duty of certifying to a marriage or birth.

Super-visors to furnish printed blanks.

Recorder and health officer to furnish blanks to applicants.

SEC. 8. Section three thousand and eighty-one of said Political Code is hereby amended to read as follows:

State registrar may require further information.

3081. The state registrar shall carefully examine the certificates of marriages and births received monthly from the county recorders or health officers, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory. All physicians, clergymen, judges, midwives, nurses, parents, or other informants upon whom the duty is imposed of certifying to marriages or births, and all other persons having knowledge of the facts, are required to furnish such information as they may possess regarding any marriage or birth upon demand of the state registrar, in person by mail or through the local recorder.

Information to be furnished state registrar on demand.

Deposition required when facts are not correctly stated.

Whenever it may be alleged that the facts are not correctly stated in any certificate of marriage or birth theretofore registered, the county recorder shall require a deposition under oath to be made by the person asserting the fact, to be supported by the depositions of two or more credible persons having knowledge of the facts, setting forth the change necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the deposition, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If

Corrected statements.

the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall immediately transmit a certified copy of the original certificate, corrected as above, to the county recorder, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, type-written or printed.

SEC. 9. Section three thousand and eighty-two of said Political Code is hereby amended to read as follows:

3082. Any officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or by the instructions and directions of the state registrar shall be deemed guilty of a misdemeanor and upon conviction shall be punished in the same manner as other misdemeanors provided in the Penal Code.

Penalty for failure to perform duty.

SEC. 10. Section three thousand and eighty-three of said Political Code is hereby amended to read as follows:

3083. The state registrar shall upon request furnish any applicant a certified copy of the record of any marriage or birth registered under the provisions of this chapter, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. Any such copy of the record of a marriage or birth when properly certified by the state registrar to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions and shall deposit all fees with the state treasurer.

State registrar to furnish certified copy of records.

Certified copy prima facie evidence.

SEC. 11. Section three thousand and eighty-four of said Political Code is hereby repealed.

Repeal.

SEC. 12. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

Same.

## CHAPTER CXI.

*An act providing for the payment of the claim of A. G. Knight for conveying the election returns of presidential electors to Sacramento, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-seven (\$27.00) dollars to be paid to A. G.

Claim of A. G. Knight.

Knight, duly appointed and certified agent of the registrar of voters of the city and county of San Francisco, for conveying to Sacramento the election returns for presidential electors of the election held in the city and county of San Francisco, on November 8th, 1904, the same being authorized under the provisions of sections from No. 1307 to 1312, inclusive, of the Political Code of this state.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CXII.

*An act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont street wharf in the city and county of San Francisco.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
J. R.  
Hanify.

SECTION 1. The sum of two hundred and sixty and seventy one-hundredths (260.70) dollars is hereby appropriated out of any money in the San Francisco harbor improvement fund, to pay the judgment obtained by J. R. Hanify against the State of California for damages sustained by him in loss of property by breakage of Fremont street wharf, the property of the State of California, in the city and county of San Francisco, in said state.

SEC. 2. The controller of said state is hereby directed to draw his warrant in favor of said J. R. Hanify for said sum of two hundred and sixty and seventy one-hundredths (260.70) dollars, payable out of said fund, and the treasurer of state is hereby directed to pay same.

SEC. 3. This act is hereby excepted from the provisions of section seven hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CXIII.

*An act directing the commissioner of the bureau of labor statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this act.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The commissioner of the bureau of labor statistics is hereby directed, in addition to his other duties, to collect and present in his biennial report to the legislature, statistics relating to marriage, divorce, and crime. Com-  
missioner  
of labor  
statistics,  
duty of.

SEC. 2. It is hereby declared to be the duty of all officers of each respective county, city, or city and county, in addition to their other duties, whose duty it is to keep a record of marriage, divorce, or crime, and they must furnish to the commissioner of the bureau of labor statistics, upon his request, whatever data it may be necessary for said commissioner to acquire in complying with the provisions of section one of this act. County  
officers to  
report to  
commis-  
sioner  
record of  
marriages,  
divorces,  
and  
crimes.

SEC. 3. This act shall take effect and be in force immediately upon its passage and approval.

## CHAPTER CXIV.

*An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to amend an act entitled 'An act to amend section six of an act entitled "An act concerning the waterfront of the city and county of San Francisco," approved March 15, 1878, and to confer further powers upon the board of state harbor commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board,' approved March 26, 1895," approved March 23, 1901.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to amend section six of an act entitled 'An act concerning the waterfront of the city and county of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of Harbor  
commis-  
sioners,  
San  
Francisco.

state harbor commissioners,' approved March seventeenth, eighteen hundred and eighty,' approved March nineteenth, eighteen hundred and eighty-nine, conferring further powers upon the said board, approved March twenty-sixth, eighteen hundred and ninety-five,' approved March twenty-third, nineteen hundred and one, is amended so as to read as follows:

Section 6. The said commissioners shall have the possession, jurisdiction, and control over the blocks and parts of blocks formed by the change of the waterfront and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves, and thoroughfares. The commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public, or they may, in their discretion, inclose them. The commissioners are also authorized to assign the use of such portion thereof as they deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the commissioners.

The commissioners are also authorized to lease such portion or portions of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, "a" and "b," as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port; *provided*, that before the execution of any lease, notice of the letting or leasing of any of the lots hereinbefore mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the lot or portion of lot to be leased, and that bids will be received by the commissioners at a place and time designated in such notice; and that said property shall be let to the highest and best bidder; *provided further*, that all bids for lease of lots, or portions of lots, herein mentioned, shall set forth the purposes for which said lots, or the portions thereof, shall be used, and that the statement of such bid shall be embodied in the lease given by the board of state harbor commissioners with the condition that the lot shall be used for such purposes only; *provided further*, that said board shall have power to reject any and all bids; and *provided further*, that in no event shall any such lease or leases be made for a term exceeding twenty-five years; *provided, however*, that all leases made and executed within two years preceding February fifteenth, nineteen hundred and one, and on file in the office of the secretary of state, of any lands belonging to the state less than fifty acres in area, and which lease has been made to any corporation incorporated in this state, or to any person or persons, for terminal facilities, is hereby recognized, approved and ratified, and the conditions, covenants, and agreements of the parties

Control  
over  
certain  
blocks.

Author-  
ized to  
lease  
certain  
lots.

Publica-  
tion of  
intention  
to lease.

Bids for  
lease.

Term of  
lease.

Ratifica-  
tion of  
former  
lease.



thereto are made binding on the said parties, and on their successors and assigns, and on the State of California.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed. Conflict-  
ing acts  
repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CXV.

*An act to authorize and empower the board of state harbor commissioners to pay for advertising the San Francisco seawall act.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of state harbor commissioners are hereby authorized and empowered to pay the following bills for printing and advertising the San Francisco seawall act, the same having been allowed and approved by the state board of examiners: Claims for  
advertis-  
ing San  
Francisco  
seawall  
act.

Tribune, Oakland, Alameda county, five hundred thirty-five dollars.

Ledger, Jackson, Amador county, one hundred fifty dollars.

Register, Oroville, Butte county, one hundred fifty dollars.

Prospect, San Andreas, Calaveras county, two hundred dollars.

Herald, Colusa, Colusa county, one hundred fifty dollars.

Gazette, Martinez, Contra Costa county, two hundred dollars.

News, Crescent City, Del Norte county, one hundred fifty dollars.

Republican, Placerville, El Dorado county, one hundred sixty-five dollars.

Republican, Fresno, Fresno county, two hundred ten dollars.

Review, Willows, Glenn county, one hundred seventy-five dollars.

Times, Eureka, Humboldt county, two hundred dollars.

Independent, Independence, Inyo county, one hundred fifty dollars.

Echo, Bakersfield, Kern county, two hundred dollars.

Sentinel, Hanford, Kings county, one hundred fifty dollars.

Bee, Lakeport, Lake county, one hundred fifty dollars.

Advocate, Susanville, Lassen county, two hundred dollars.

News, Pasadena, Los Angeles county, two hundred fifty dollars.

Times, Madera, Madera county, one hundred seventy-five dollars.

Claims for  
advertis-  
ing San  
Francisco  
seawall  
act.

- Journal, San Rafael, Marin county, two hundred fifty dollars.
- Gazette-Mariposan, Mariposa, Mariposa county, one hundred fifty dollars.
- Republican-Press, Ukiah, Mendocino county, two hundred dollars.
- Star, Merced, Merced county, one hundred fifty dollars.
- New Era, Alturas, Modoc county, one hundred fifty dollars.
- Chronicle-Union, Bridgeport, Mono county, one hundred fifty dollars.
- Index, Salinas City, Monterey county, two hundred dollars.
- Register, Napa, Napa county, two hundred dollars.
- Miner, Nevada City, Nevada county, two hundred dollars.
- Blade, Santa Ana, Orange county, one hundred fifty dollars.
- Republican, Auburn, Placer county, two hundred dollars.
- National-Bulletin, Quincy, Plumas county, two hundred sixteen dollars.
- Riverside Press, Riverside, Riverside county, two hundred dollars.
- Union, Sacramento, Sacramento county, three hundred dollars.
- Advance, Hollister, San Benito county, two hundred fifty dollars.
- Sun, San Bernardino, San Bernardino county, two hundred forty dollars.
- Union, San Diego, San Diego county, two hundred fifty dollars.
- Call, city and county of San Francisco, six hundred ninety-four and thirty one-hundredths dollars.
- Record, Stockton, San Joaquin county, two hundred fifty dollars.
- Tribune, San Luis Obispo, San Luis Obispo county, two hundred forty dollars.
- Times-Gazette, Redwood City, San Mateo county, two hundred dollars.
- Press, Santa Barbara, Santa Barbara county, two hundred twenty and fifty one-hundredths dollars.
- Mercury, San José, Santa Clara county, two hundred fifty dollars.
- Sentinel, Santa Cruz, Santa Cruz county, two hundred dollars.
- Free Press, Redding, Shasta county, two hundred dollars.
- Mountain Messenger, Downieville, Sierra county, one hundred fifty dollars.
- Journal, Yreka, Siskiyou county, one hundred fifty dollars.
- News, Vallejo, Solano county, two hundred fifty dollars.
- Republican, Santa Rosa, Sonoma county, two hundred dollars.
- Herald, Modesto, Stanislaus county, two hundred dollars.

Farmer, Yuba City, Sutter county, two hundred twenty-one dollars.

Sentinel, Red Bluff, Tehama county, two hundred dollars.

Journal, Weaverville, Trinity county, one hundred fifty dollars.

Delta, Visalia, Tulare county, one hundred fifty-seven and fifty one-hundredths dollars.

Independent, Sonora, Tuolumne county, one hundred seventy-five dollars.

Free Press, Ventura, Ventura county, two hundred dollars.

Mail, Woodland, Yolo county, two hundred dollars.

Appeal, Marysville, Yuba county, two hundred dollars.

SEC. 2. The board of state harbor commissioners are hereby authorized and empowered to draw their draft on the state controller, payable out of the San Francisco harbor improvement fund for the sum of eleven thousand seven hundred twenty-four and thirty one-hundredths dollars (\$11,724.30) in payment of said bills enumerated in section one of this act.

SEC. 3. On the draft of the board of state harbor commissioners the state controller is hereby authorized and directed to draw his warrants in favor of the claimants enumerated in section one of this act for the amounts of their bills respectively, aggregating said sum of eleven thousand seven hundred twenty-four and thirty one-hundredths dollars (\$11,724.30), payable out of the San Francisco harbor improvement fund, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect from and after its passage.

## CHAPTER CXVI.

*An act to amend section five hundred and ninety-three of an act entitled "An act to establish a Civil Code of the State of California," approved March 21st, 1872, in relation to how corporations for purposes other than profit are formed.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and ninety-three of the Civil Code is amended to read as follows:

593. Any number of persons associated together for any purpose, where pecuniary profit is not their object, and for which individuals may lawfully associate themselves, may, in accordance with the rules, regulations, or discipline of such association, elect directors, the number thereof to be not less than three nor more than twenty-one, and may incorporate themselves as provided in this part.

Claims for advertising San Francisco seawall act.

Corporations.

Number of directors when formed other than for profit.

## CHAPTER CXVII.

*An act to amend section six hundred and thirty-seven a of the Penal Code of the State of California relating to the taking and killing of meadow larks and wild birds other than game birds.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and thirty-seven a of the Penal Code of the State of California, is hereby amended to read as follows:

Killing of birds other than game.

637a. Every person who, in the State of California, shall at any time, hunt, shoot, shoot at, pursue, take, kill, or destroy, buy, sell, give away, or have in his possession, except upon a written permit from the board of fish commissioners of the State of California, for the purpose of propagation or for education or scientific purposes, any meadow lark, or any wild bird, living or dead, or any part of any dead wild bird, or who shall rob the nest, or take, sell or offer for sale or destroy the eggs of any meadow lark or of any wild bird, is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the killing of a meadow lark or other wild bird by the owner or tenant of any premises where such bird is found destroying berries, fruit or crops growing on such premises, but the birds so killed shall not be shipped or sold. The English sparrow, sharp-shinned hawk, Cooper's hawk, duck hawk, great horned owl, bluejay, house finch (known also as the California linnnet), and all birds otherwise protected by the provisions of this code and those birds commonly known as game birds, are not included among the birds protected by this section.

Meadow lark, etc.

Exceptions.

Certain birds not included.

## CHAPTER CXVIII.

*An act to amend an act entitled, "An act to establish a Political Code," approved March 12, 1872, by amending section 4080, relating to the planting and preservation of shade and ornamental trees.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 4080 of the act entitled, "An act to establish a Political Code," approved March 12, 1872, is hereby amended so as to read as follows:

4080. The board, under such regulations as they may adopt, may provide for the purchase, planting, cultivation, care and preservation of not less than two hundred and fifty (250) shade and ornamental trees, each year, on the public roads and highways of the county, and the cost of such purchase, planting, cultivation, care, and preservation shall be charged to the same fund which was used in the acquisition and construction of the road along which the trees are planted.

Boards of supervisors to provide for planting, etc., of shade trees.

### CHAPTER CXIX.

*An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That department of the state board of health known as the state bureau of vital statistics shall provide for and superintend the complete and proper registration of deaths for legal, sanitary and statistical purposes.

State bureau of vital statistics.

SEC. 2. That for the purposes of this act the state shall be divided into registration districts as follows: Each city and county, city, and incorporated town, and each county exclusive of the portion included within cities and incorporated towns, shall constitute a primary registration district.

State divided into districts for registration of deaths.

SEC. 3. That the recorder of each city and county, county, and the clerk of each city or incorporated town, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided however*, that in cities having a freeholders charter the health officer shall act as local registrar and perform all the duties thereof. Each local registrar shall immediately appoint in writing, a deputy who shall be authorized to act in his stead in case of absence, death, illness or disability and when it may appear necessary for the convenience of the people in any county, the local registrar is hereby authorized with the approval of the state registrar of vital statistics to appoint one or more proper and competent persons to act as subregistrars, who shall be authorized to receive certificates of death and to issue burial permits or removal permits in and for such portions of the county as may be designated. Each subreg-

Registrars of districts.

Deputy local registrar.

Sub-registrars.

istrar shall note in legible writing over his signature the date each certificate of death was filed, and shall forthwith forward the certificate to the local registrar of the county, and in all cases before the eighth day of the following month; *provided*, that all subregistrars shall be subject to the supervision and control of the state registrar of vital statistics.

Permit from district registrar before burial.

Certificate and return of death filed.

When death occurs outside of state.

Stillborn children registered as deaths.

Certificate of death.

Contents.

SEC. 4. That the body or remains of no person whose death occurs in the state shall be interred, deposited in a vault, grave or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district until a permit for burial, disinterment or removal shall have been properly issued by the registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him; as hereinafter required; *provided* that in case of any death outside of the state, where the body is accompanied by a removal or transit permit issued in accordance with the law and the health regulations in force where the death occurred, such removal or transit permit shall be accepted as of the same authority as a permit from the local registrar when such removal or transit permit shall have indorsed thereon the written approval of the state registrar of vital statistics, or when said state registrar otherwise officially notifies the local registrar of his approval.

SEC. 5. Stillborn children, or those dead at birth, shall be registered as deaths under this act, and a certificate of death and burial or removal permit in usual form shall be required. The medical certificate of cause of death shall be signed by the attending physician or midwife, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of utero-gestation in months, if known.

SEC. 6. That the certificate of death shall be of the standard form recommended by the United States Census Office and the American Public Health Association, and shall contain the following items:

(1) Place of death, including state, county, township or town, city or village. If in a city, the ward, street, and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

(2) Full name of decedent. If an unnamed child the surname, preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition—as single, married, widowed, or divorced.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months, and days.

- (8) Place of birth; state or foreign country.
- (9) Name of father.
- (10) Birthplace of father; state or foreign country.
- (11) Maiden name of mother.
- (12) Birthplace of mother; state or foreign country.
- (13) Occupation; the occupation to be reported of any person who had any remunerative employment—women as well as men.
- (14) Signature and address of informant.
- (15) Date of death, including the year, month, and day.
- (16) Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.
- (17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and the duration of each.
- (18) Signature and address of physician or official making the medical certificate.
- (19) Special information concerning deaths in hospitals and institutions and of persons dying away from home, including the former or usual residence, length of time at place of death, and place where the disease was contracted.
- (20) Place of burial or removal.
- (21) Date of burial or removal.
- (22) Signature and address of undertaker.
- (23) Official signature of registrar with date when certificate was filed and registered number.

The certificate shall be written legibly in permanent black ink, typewritten or printed, and no certificate shall be held to be complete and correct that does not supply all of the items of information specified above or satisfactorily account for the omission of any of said items.

How made out.

The personal and statistical particulars (items 1 to 13) or such other items as shall be required by the state registrar shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

Authentication of.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. He shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and contributing causes, if any, and the duration of each. Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease will not be held sufficient for issuing a burial or removal permit, and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician for correction or definition. Causes of death

Undertaker to sign.  
Medical certificate, by whom signed.

Contents of certificate.

Cause of death carefully defined.

which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal. For cause of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head, and shall state where, in his opinion, the disease was contracted. The cause of death and all other facts required shall in all cases be stated in accordance with the instructions and directions of the state registrar.

In case death occurs without medical attendance. Duty of undertaker. Duty of coroner.

SEC. 7. In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall refer the case to the coroner for his investigation and certification, and the coroner shall within three days after the inquest furnish the local registrar where such death occurs a certificate in form and substance as required by the state registrar and containing as many of the facts required by this act as can be ascertained. Said local registrar shall then forthwith transmit such certificate to the state registrar, retaining a copy thereof on file in his office.

Duty of local registrar.

Undertaker responsible for certificate of death.

SEC. 8. The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in the preceding section. And he shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the registrar within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton or person in charge of the premises before interring the body, or attach it to the box containing the corpse, when shipped by any transportation company, to accompany same to destination, when it shall be accepted by the sexton as authority for the interment of the body.

Duty of undertaker..

Local registrar to supply blanks.

Duty of local registrar.

SEC. 9. It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. He shall carefully examine each certificate when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate is incomplete or unsatisfactory it shall be his duty to call attention to the defects in the return and to withhold issuing the burial or removal permit until they are corrected. He shall then



number them in consecutive order, beginning with number one for the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. If the certificate is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: *provided*, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state and local boards of health. He shall also make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the state registrar. He shall, on or before the eighth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. If no deaths occurred in any month he shall, on or before the eighth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

In case of death from contagious, etc., diseases.

SEC. 10. If the interment, or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove, or otherwise dispose of the body of the deceased, stating the name, age, sex and cause of death and other necessary details upon the form prescribed by the state registrar. In case the interment, or other disposition of the body, is to be made in some registration district other than that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the permit.

If interment be made in district in which death occurred, duty of registrar.

SEC. 11. No sexton or person in charge of any premises in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial, removal, or transit permit as herein provided. Each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment, over his signature, and shall return all permits, so indorsed, to the local registrar of his district within one day from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

Duty of sexton or other person in charge of burial ground.

SEC. 12. The state registrar shall prepare a sample form and blank for all registrars for use in registering, recording and preserving the returns or in otherwise carrying out the purposes of this act, and shall prepare and issue such detailed

State registrar to prepare blank forms for all registrars.

instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other forms of blanks shall be used than those prescribed by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be furnished as may be necessary to make the record satisfactory. All physicians, informants, or undertakers connected with the case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any death, upon demand of the state registrar, in person, by mail, or through the local registrar. He shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all deaths registered, showing the name of deceased, place and date of death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases, and all rules and regulations made by him for carrying out and enforcing the purposes of this act shall, when promulgated, have the same force and effect as if enacted by law.

No other form of blanks to be used.

Information furnished local registrar, by whom.

Index of deaths.

Deposition taken, when. When facts are not correctly stated.

Filing of depositions.

Corrections in certificate, how made.

SEC. 13. Whenever it may be alleged that the facts are not correctly stated in any certificate of death theretofore registered, the local registrar shall require a deposition under oath to be made by the person asserting the fact, to be supported by the depositions of two or more credible persons having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the deposition, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall transmit a certified copy of the original certificate, corrected as above, to the local registrar, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, type-written or printed.

SEC. 14. Each local registrar shall be entitled to be paid the sum of not exceeding twenty-five cents for each death certificate properly and completely made out and registered with him, and by him returned to the state registrar on or before the eighth day of the following month, which sum shall cover and include the making out of the burial permit and the copy of the certificate to be filed and preserved in his office. And in case no deaths were registered during any month, the local registrar shall be entitled to a sum not exceeding twenty-five cents for each report to that effect, promptly made in accordance with the directions of the state registrar: *provided, however*, that all such compensation for such services shall be fixed by the board of supervisors, city council, or other governing body of such local registration district. All amounts payable to registrars under the provisions of this act shall be paid by the treasurer or other lawful officer, out of the funds of each registration district, upon warrants drawn by the local auditor or other proper local officer of such district, which warrants shall specify the number of certificates properly registered and reports promptly returned where no deaths are registered, with the amount due for each: *provided, however*, that no warrant shall be issued to any local registrar, or, if issued, shall be paid where notice is previously given by the state registrar to the auditor, treasurer or other proper officer of such registration district that the local registrar has failed to comply with the rules and regulations of the state bureau of vital statistics and the instructions of the state registrar.

Fee of local registrar.

Compensation of local registrar, how fixed. How paid.

SEC. 15. The state registrar shall, upon receipt, furnish any applicant a certified copy of the record of any death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a death, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer.

State registrar to furnish certified copy of records. Fee for certified copy.

Fee for search of records.

SEC. 16. Every physician and undertaker, residing in, at the date of this act or thereafter establishing a residence in, any registration district, shall forthwith register his or her name, address, and occupation, with the local registrar of the district in which he or she resides, and they shall thereupon be furnished by the registrar a copy of this act and such rules, regulations, and instructions as may be prepared by the state registrar with relation to their duties under this act.

Physicians and undertakers to register with local registrar.

Rules furnished by local registrars.

Neglect of attending physician; penalty.

Neglect of undertaker, etc.; penalty.

Neglect of registrars; penalty.

Violation of this act; penalty.

Violation by common carrier; penalty.

Local registrars charged with the enforcement of law.

SEC. 17. If any physician who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death hereinbefore provided for, or shall willfully or knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor. If any undertaker, sexton, or other person acting as undertaker shall inter, remove, or otherwise dispose of the body of any deceased person without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor. Any registrar, deputy registrar or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the state registrar, shall be deemed guilty of a misdemeanor. And any person or persons who shall violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, shall be deemed guilty of a misdemeanor. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employés for transportation or carriage, the body of any deceased person without an accompanying permit, issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars.

SEC. 18. Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts under the supervision and direction of the state registrar. They shall make an immediate report to the state registrar of any violations of this law coming to their notice by observation or upon complaint of any person or otherwise. The state registrar shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or other proper officer of the county or municipality, with a statement of the facts and circumstances, and when any such case is reported to them by the state registrar all prosecuting attorneys or officials acting in such capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law.

SEC. 19. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

CHAPTER CXX.

*An act to provide for the registration of bonds issued by common school, high school, or union high school districts.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by any common school, high school, or union high school districts now or hereafter existing in this state, shall present any such bond to the treasurer or other officer of the county in which said district is located, who by law performs the duties of treasurer, with a request for the conversion of such bond into a registered bond, such treasurer, or such other officer, shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond, or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to such treasurer, or such other officer, and the bond be again registered as before, a similar statement being stamped, printed, or written thereon. Such statement stamped, printed, or written upon such bond may be in substantially the following form:

School bonds may be registered.

Registered bond may be transferred.

(Date, giving month, year, and day.)

Form of registration.

This bond is registered pursuant to the statute in such cases made and provided in the name of ..... (here insert name of owner) and the interest and principal thereof are hereafter payable to such owner.

.....  
Treasurer (or such other officer).

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such treasurer, or such other officer, shall keep in his office a book or books which shall at all times show what bonds are registered and in whose names respectively.

Principal and interest payable to registered owner.

SEC. 2. Whenever under any statute or law of this state any bonds are issued, whether the proceedings for the issuance of such bonds have been had in whole or in part prior to the enactment of this statute, or whether the same have been had in whole or in part after the enactment of this

Bonds may be coupon or registered.

statute, such bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds, and some in the form of registered bonds, as has been or hereafter may be provided in the proceedings for the issuance of such bonds, and notwithstanding any language or provision to the contrary contained in any such statute authorizing the issuance of the bonds, or in any other law of the state. The provisions of section one of this act shall apply to coupon bonds, so issued, as well as to other coupon bonds, or other bonds payable to bearer.

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### CHAPTER CXXI.

*An act making an appropriation of four thousand three hundred and seventy-one dollars and twenty cents for transportation of officers and members of the National Guard of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
Southern  
Pacific  
Company.

SECTION 1. The sum of four thousand three hundred and seventy-one dollars and twenty cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Southern Pacific Company for transportation of officers and members of the National Guard to and from Santa Cruz encampment, held June, 1901.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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### CHAPTER CXXII.

*An act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight and to prevent, eradicate, and procure a cure for the same and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Viti-  
culture;  
experi-  
mental  
and  
research  
work in  
the field.

SECTION 1. The regents and the president of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in

addition to the work heretofore carried on by the agricultural experiment station, experimental and research work in the field of viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptation of the various kinds of vines to the several climatic and soil conditions of the state, with the special reference to those stocks for propagating purposes, resistant to the phylloxera, and to further their adaptability and utility as grafting stocks for producing wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines together with the most important methods of vinification and preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the utilization of the by-products of the vineyard and winery, the study and treatment of the vine diseases, and all matters appertaining to the viticultural industry pertinent to the successful conduct of the business and that may be of general public interest, use and profit. They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable and not less than two bulletins showing the progress and result of the work, shall be issued in any fiscal year. And they are further directed to inaugurate an investigation of the cause, nature, and means of suppression or prevention, of the so-called pear blight, a destructive, infectious disease of pear and apple trees. For such investigation, said director shall obtain and establish such assistants, equipment, materials, appliances, apparatus and other incidentals as may be necessary to the successful prosecution of the work, within the appropriation specified. And they are further directed to secure a remedy for the so-called walnut blight. The said regents are hereby authorized to employ an expert and if necessary, to send him abroad to ascertain the cause of this blight and in an endeavor to secure a remedy therefor.

Pear  
blight,  
prevention  
and sup-  
pression of.

Walnut  
blight,  
remedy  
for.

SEC. 2. There is hereby appropriated for the use of said experiment station, for the purposes set forth in this act, the sum of twenty thousand dollars (\$20000).

SEC. 3. All money appropriated under this act shall be paid to the regents of the University of California, and expended under the direction of the director of the agricultural experiment station of said university for the specific purposes herein named.

Appro-  
priation.

## CHAPTER CXXIII.

*An act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home located at Yountville, Napa county.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Liquors,  
sale of  
within one  
and one  
half miles  
of  
Veterans'  
Home pro-  
hibited.

SECTION 1. It shall not be lawful for any person to keep any saloon or bar, or sell or offer for sale any spirituous, vinous or malt liquors, within one mile and a half of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa county, State of California; and any person violating the provisions of this statute shall be guilty of a misdemeanor, and for each offense shall be punished by imprisonment in the county jail for not exceeding six months, or by fine not less than \$50 nor more than \$500; and in the case of the non-payment of such fine such person may be imprisoned in the county jail at the rate of one day for each two dollars of said fine remaining unpaid.

SEC. 2. This act shall take effect October first, 1905.

## CHAPTER CXXIV.

*An act to amend section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Eminent  
domain.

SECTION 1. Section 1240 of the Code of Civil Procedure of California is hereby amended so as to read as follows:

Private  
property,  
classes  
enumer-  
ated.

1240. The private property which may be taken under this title includes:

Same.

1. All real property belonging to any person;

2. Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use;

3. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated.

Same.

4. Franchises for toll roads, toll bridges, and ferries, and all other franchises, but such franchises shall not be taken unless



for free highways, railroads, or other more necessary public use;

5. All rights of way for any and all the purposes mentioned in section twelve hundred and thirty-eight, and any and all structures and improvements thereon, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections and connections shall be made in manner most compatible with the greatest public benefit and least private injury.

Rights of way, subject to what.

No railroad main track crossing, outside the limits of any incorporated town, city or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and provided further* that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and provided further* that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under-grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose.

Railroad crossings, how made.

Exceptions as to separation of grades.

6. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law;

7. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the governor, attorney-general, and surveyor-general of this state.

Proceedings to condemn.

## CHAPTER CXXV.

*An act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children and to appropriate money therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Home for  
Feeble-  
Minded  
Children.  
Reservoir.  
Fire hose  
and mains.

SECTION 1. The sum of \$5,000 is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the construction of a new reservoir capable of holding about 420,000 gallons, and for the purchase and installation of further fire hose and fire mains.

SEC. 2. Not more than \$4,000 of the sum herein appropriated shall be expended for the construction of such reservoir.

SEC. 3. Not more than \$1,000 of the sum herein appropriated shall be expended for such additional fire hose and fire mains.

SEC. 4. This act shall take effect July 1, 1905.

## CHAPTER CXXVI.

*An act to provide for the improvement of the cereal crops of California and appropriating money therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Cereal  
culture,  
pro-  
motion of.

SECTION 1. The governor of the State of California is hereby directed, and it is hereby made his duty to cause to be made under the supervision and direction of the director of the agricultural experiment station of the University of California, such investigation and experiments as he may deem best, for the purpose of discovering and making known such improved methods of cereal culture in the State of California as will increase the yield of cereals in said state, and increase the percentage of gluten in said cereals, or otherwise improve the quality thereof. The said governor shall have the exclusive charge and control of all moneys appropriated hereby, to be used in employing such expert and scientific assistants as he may deem necessary, and for the paying of the expenses of carrying on the experiments and investigations herein provided for. He shall from time to time publish the results of such experimental and investigational work as may have been done, for general distribution.

Expert and  
scientific  
assistants.

Governor  
to publish  
results  
of ex-  
periments

SEC. 2. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the governor to be used for the purposes of this act, one half thereof to be expended during the fifty-seventh fiscal year, and one half thereof to be expended during the fifty-eighth fiscal year; and the controller is hereby directed to draw his warrant on the general fund from time to time for such proportion of said sum of ten thousand dollars, and in favor of such persons as the governor shall direct; and the state treasurer is hereby empowered and directed to pay the same.

Appropriation.

SEC. 3. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. This act shall take effect and be in force from and after the date of its passage.

#### CHAPTER CXXVII.

*An act to amend section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said code.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 17 of the Political Code of the State of California is hereby amended to read as follows:

17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; writing includes printing and typewriting; oath includes affirmation or declaration; every mode of oral statement under oath or affirmation is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness; *provided*, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.

Words and terms used in the Political Code, definition of.

The following words, also, have in this code the signification attached to them in this section, unless otherwise apparent from the context:

One—The word "property" includes both real and personal property;

Words and terms used in the Political Code, definition of.

Two—The words "real property" are coextensive with lands, tenements, and hereditaments;

Three—The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

Four—The word "month" means a calendar month, unless otherwise expressed;

Five—The word "will" includes codicil;

Six—The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings;

Seven—The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, and steamships, canal-boats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons;

Eight—The term "peace officer" signifies any one of the officers mentioned in section eight hundred and seventeen of the Penal Code;

Nine—The term "magistrate" signifies any one of the officers mentioned in section eight hundred and eight of the Penal Code;

Ten—The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the district and territories.

Eleven—The word "section" whenever used in this code refers to a section of this code, unless some other code or statute is expressly mentioned.

## CHAPTER CXXVIII.

*An act to amend section 731, Code of Civil Procedure of California relating to abatement of private and public nuisances.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 731 of the Code of Civil Procedure of this state is hereby amended to read as follows:

Nuisance defined.

731. An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, as the same is defined in section thirty-four hundred and seventy-nine of the Civil Code, and by the judgment in such action the nuisance may be enjoined or abated as well as damages recovered therefor. A civil action may be brought in the name of the people of the State of California to abate a public nuisance, as the same is defined

Abatement of.

in section thirty-four hundred and eighty of the Civil Code, by the district attorney of any county in which such nuisance exists, or by the city attorney of any town or city in which such nuisance exists, and each of said officers shall have concurrent right to bring such action for a public nuisance existing within a town or city, and such district attorney, or city attorney, of any county or city in which such nuisance exists must bring such action whenever directed by the board of supervisors of such county or whenever directed by the legislative authority of such town or city.

Actions  
instituted,  
by whom.

### CHAPTER CXXIX.

*An act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A commission is hereby appointed to consist of five persons who shall be known as the "Commissioners for the Selection and Purchase of a University Farm." Said commission shall consist of the following persons, each of whom shall be, and is hereby appointed as a member of said commission: The governor of the State of California, who shall be the president of said commission; the president of the University of California; the lieutenant-governor of the State of California; the president of the state board of agriculture; and the state commissioner of horticulture of California. Said commission shall hold office until they have performed the duties hereinafter provided for. They shall receive no compensation, but the expenses of their qualification and necessary traveling expenses shall be paid out of the moneys hereinafter appropriated.

University  
farm, com-  
missioners  
for the  
selection  
and pur-  
chase of.

Term of  
office.

Compensa-  
tion.

SEC. 2. Immediately after the appointment of said commissions they shall organize and proceed to select and purchase a farm or tract of land to be known as the university farm, and to be used as an agricultural college farm, and for the site or location of buildings, and such other structures as may be necessary for use in connection therewith and for the purposes herein set forth. Said farm or tract of land shall be of such size and acreage as in the judgment of the commission, may be necessary for the purposes desired—*provided however* there shall be not less than 320 acres of first-class

Duties of  
commis-  
sioners in  
purchase  
of farm.

tillable land, located at such place as said commission may deem proper, having consideration for the purposes for which it is to be used. It must be first-class tillable land, and in its soil, location, climate and general environment be typical and representative of the best general agricultural conditions in California, and be capable of successfully producing the general crops of the state, and as many as may be of all of the crops and products successfully grown in California. *Provided*, that no site or tract shall be chosen, one half of which at least is not susceptible of irrigation, and for the irrigation of which some system is not already provided, or for which a water right is not purchased or procured at the time the land is selected. For the purposes of securing or purchasing said farm, said commission shall have the power to take and secure options, or bonds, for deeds, and may accept a gift of the whole or any part of said farm. They may also receive gifts of water-rights, canals, ditch, flume or other rights, easements or appurtenances to any farm which they may select, and may also purchase any such water or other rights, or acquire the same by the exercise of the right of eminent domain.

Must be susceptible of irrigation.

May accept gift of farm.

Deed to be made to the regents of the University of California.

SEC. 3. The deed for said farm or tract of land, or other property purchased, shall, when the same shall have been purchased by said commission, be taken in the name of, and the deed shall be made to the regents of the University of California. When said commission shall have selected and purchased the said tract or farm or other property herein provided for, they shall present their claim for the amount or sum agreed to be paid therefor to the state board of examiners, and upon the allowance of said bill or claim the controller shall draw his warrant for the amount thereof, payable out of the sum hereby appropriated in favor of the owner or owners of the properties selected and purchased as hereinabove provided for. Said warrant or warrants when so drawn shall be delivered to said commission, which shall use the same to pay the purchase price of said farm or tract or other property, taking a deed therefor as aforesaid, the same to be delivered and filed with the regents of the University of California.

To be under management of the regents of the University of California.

SEC. 4. The said university farm when purchased as aforesaid shall be immediately given into the possession of, and shall be under the management, direction and control of the board of regents of the University of California. Immediately upon obtaining possession of said university farm said regents shall proceed to have constructed thereon buildings and such other structures as shall be necessary for an agricultural school, and for the use thereof for purposes of education in agriculture. They shall provide for the purchase of supplies, implements, machines, and apparatus, the planting of trees and vines, and forage and agricultural crops, for the purchase of domestic live stock, and for the employment of laborers. They shall appoint the necessary instructors and

Construction of buildings.

Purchase of supplies, implements, etc.

inaugurate and provide for the conduct of instruction in agriculture, and in such other branches of learning as are allied thereto, and as are calculated to better qualify and inform the students attending in the theory and practice of agriculture. This instruction shall be conducted in connection with, and as a part of, the college of agriculture of the University of California, provisions being made by the regents for such attendance on the farm of the college students as may be deemed best and necessary to the completion of their college courses. The university farm, and the instruction given thereon shall be so conducted as to meet the needs of persons who desire instruction in agriculture, horticulture, viticulture, animal industry, dairying, irrigation and poultry raising, and to prepare them for the pursuit thereof; and shall also be used for experimental and investigational work in connection with the agricultural experiment station of the University of California. Short courses of instruction shall also be arranged for in each of the leading branches of agricultural industry, so regulated as to provide for popular attendance and general instruction in agricultural practice.

Instructors, appointment of.

Instructions to be given thereon.

Experimental and investigational work.

SEC. 5. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any moneys in the general fund of the state treasury, for the purposes of this act, *provided* that fifty thousand dollars of said sum shall be payable immediately, fifty thousand dollars on the first day of July 1905 and the remaining fifty thousand dollars thereof on the first day of January, 1906. The commission hereinabove provided for shall draw against said appropriation as hereinabove authorized. After such sums have been paid therefrom, the remaining portion of said appropriation shall be subject to the order of, and shall be paid to the said board of regents to be used by them exclusively for the construction of the buildings and the other purposes herein provided for.

Appropriation.

SEC. 6. This act shall take effect immediately.

## CHAPTER CXXX.

*An act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip deceased, against the State of California and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one thousand seven hundred and sixty-five dollars (\$1765) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of E. A. Dulip administrator of the estate of John P. Dulip deceased against the State of California.

Claim of E.A. Dulip.

SEC. 2. The controller of State is hereby authorized and directed to draw his warrant in favor of said John P. Dulip for the sum of one thousand seven hundred and sixty-five dollars and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said E. A. Dulip as such administrator shall make and deliver to the controller, upon receipt of said warrant, a release of all his claims against the State of California.

SEC. 4. This act shall take effect on and after the first day in January, nineteen hundred and six.

#### CHAPTER CXXXI.

*An act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children and to appropriate money therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Home for  
Feeble-  
Minded  
Children,  
cottages,  
etc., for.

SECTION 1. The sum of \$8,000 is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the completion of the hospital building, and of the three cottages for cripples and paralytics, partially completed under the provisions of Chapter CLXXVI of the Statutes of California, passed at the thirty-fifth session of the legislature thereof.

SEC. 2. This act shall take effect from and after July 1, 1905.

#### CHAPTER CXXXII.

*An act to amend section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Assess-  
ment of  
property.  
Assessor to  
prepare  
assessment  
book.

SECTION 1. Section 3650 of the Political Code of the State of California is hereby amended to read as follows:

3650. *Property, how listed.* The assessor must prepare an assessment book, with appropriate headings as directed by the state board of equalization, in which must be listed all property within the county, under the appropriate head.



1. The name and postoffice address, if known, of the person to whom the property is assessed. Property,  
how listed  
by  
assessor.
2. Land, by township, range, section, or fractional section; and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, not exceeding in each and every tract six hundred and forty acres, locality, and the improvements thereon. When any tract of land is situated in two or more school, road, or other revenue districts of the county, the part in each township or district must be separately assessed. The improvements to be assessed against the particular section, tract, or lot of land upon which they are located.
3. City and town lots, naming the city or town, and the number of the lot and block, according to the system of numbering in such city or town, and the improvements thereon.
4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.
5. The cash value of real estate, other than city or town lots.
6. The cash value of improvements on such real estate.
7. The cash value of city and town lots.
8. The cash value of improvements on city and town lots.
9. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.
10. The cash value of all personal property, exclusive of money.
11. The amount of money.
12. The assessment of the franchise, roadway, roadbeds, rails, and rolling stock of any railroad, as apportioned to his county by the state board of equalization, and also such other apportionments of such franchises, roadways, roadbeds, rails, and rolling stock as may be made by such board, and furnished to him for the purpose of taxation in any district in his county. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment book. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.
13. The school, road, and other revenue districts in which each piece of property assessed is situated.
14. The total value of all property.
15. When any property, except that owned by a railroad or other quasi-public corporation, is subject to or affected by a mortgage, deed of trust, contract, or other obligation by which a debt is secured, he must enter, in the proper column, the value of such security, and deduct the same. In entering assessments containing solvent credits subject to deductions,

Property,  
how listed  
by assessor.

as provided in section three thousand six hundred and twenty-eight of this code, he must enter in the proper column the value of the debts entitled to exemption and deduct the same. In making the deductions from the total value of property assessed, as above directed, he must enter the remainder in the column provided for the total value of all property for taxation. Each franchise must be entered in the assessment book without combining the same with other property or the valuation thereof.

16. The figure (1), in separate columns, opposite the name of every person liable to pay a poll tax.

17. Such other things as the state board of equalization may require.

### CHAPTER CXXXIII.

*An act to amend section 622a of the act entitled "An act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions.

SECTION 1. Section 622a of the Political Code is hereby amended so as to read as follows:

Tax  
on foreign  
insurance  
companies  
other than  
life.

622a. Every insurance company or association other than life, not organized or incorporated under the laws of California, and doing business in this state, and every other insurance company other than life, whose charter may be owned, or a majority of whose stock may be controlled, or whose business may be carried on in the interest, or for the benefit of any insurance company or association not organized or incorporated under the laws of California, shall annually pay to the insurance commissioner, for the state, a tax of two (2) per cent upon the amount of the gross premiums received upon its business done in the state, during the year ending on the preceding thirty-first day of December, less return premiums, reinsurance in companies or associations authorized to do business in this state, and losses actually paid on its business in this state, and every life insurance company or association not organized or incorporated under the laws of California, which does business or collects premiums or assessments in the state, shall annually pay to the insurance commissioner, for the state, a tax of one per cent upon the amount of the gross premiums received upon its business done in this state during the year ending on the preceding thirty-first day of December. This section shall not be held or construed so as to relieve any company or organization from any tax, fee or other obligation or charge imposed upon it by the provisions

Annually  
paid to  
insurance  
com-  
missioner.

Tax on  
foreign life  
insurance  
companies.

Section 622  
continued  
in force.

of section six hundred and twenty-two of this code, and whenever the taxes imposed by the application of section six hundred and twenty-two exceed those imposed by the application of this section the provisions of the former section shall prevail.

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CHAPTER CXXXIV.

*An act to amend section 2021 of the Code of Civil Procedure relating to the taking by deposition of the testimony of witnesses in the state.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand and twenty-one of the Code of Civil Procedure is hereby amended to read as follows, to wit:

2021. The testimony of a witness in this state may be taken by deposition in an action at any time after the service of the summons or the appearance of the defendant, and in a special proceeding after a question of fact has arisen therein, in the following cases:

Depositions in the state, when taken.

1. When the witness is a party to the action or proceeding or an officer or member of a corporation which is a party to the action or proceeding, or a person for whose immediate benefit the action or proceeding is prosecuted or defended;

2. When the witness resides out of the county in which his testimony is to be used, or resides in the county but more than fifty miles distant from the place of trial or hearing by the nearest usual traveled route;

3. When the witness is about to leave the county where the action is to be tried, and will probably continue absent when the testimony is required;

4. When the witness, otherwise liable to attend the trial, is nevertheless too infirm to attend;

5. When the testimony is required upon a motion, or in any other case where the oral examination of the witness is not required;

6. When the witness is the only one who can establish facts or a fact material to the issue; *provided*, that the deposition of such witness shall not be used if his presence can be procured at the time of the trial of the cause.

## CHAPTER CXXXV.

*An act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered section 377b making it a misdemeanor to refuse or neglect to conform to the rules, orders and regulations of the state board of health, concerning the pollution of water, used or intended to be used for human or animal consumption.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section, to be numbered section 377b is hereby added to the Penal Code of the State of California, to read as follows:

State board of health, violation of rules of, relating to pollution of water.

377b. Any person who shall violate or refuse or neglect to conform to any sanitary rule, order or regulation prescribed by the state board of health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption shall be guilty of a misdemeanor.

SEC. 2. All acts and parts of acts inconsistent or in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CXXXVI.

*An act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders and regulations of the state board of health, concerning the pollution of ice used or intended for public consumption.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section, to be numbered section 377c, is hereby added to the Penal Code of the State of California, to read as follows:

State board of health, violation of rules of, relating to pollution of ice.

377c. Any person who shall violate, or refuse, or neglect, to conform to any sanitary rule, order or regulation prescribed by the state board of health for the prevention of the pollution of ice or the sale or disposition of polluted ice offered, kept or intended for public use or consumption, shall be guilty of a misdemeanor.

SEC. 2. All acts and parts of acts inconsistent or in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CXXXVII.

*An act to amend section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 241 of the Code of Civil Procedure is hereby amended to read as follows:

241. Every superior court, whenever in the opinion of the court the public interest requires it, must make and file with the county clerk, an order directing a jury to be drawn, and designate the number, which, in case of a grand jury, shall not be less than twenty-five nor more than thirty. In all counties there shall be at least one grand jury drawn and impaneled in each year. Such order must designate the time at which the drawing will take place. The names of such jurors shall be drawn, the list of names certified and summoned, as provided for drawing and summoning trial jurors; and the names of any persons drawn, who may not be impaneled upon the grand jury, may be again placed in the grand jury box.

Grand juries, when and by whom impaneled.

## CHAPTER CXXXVIII.

*An act to amend an act entitled "An act to establish a Civil Code," approved March twenty-first, one thousand eight hundred and seventy-two, by adding thereto a new section to be numbered and known as section one thousand one hundred and sixty-three relating to the recording of a certificate of residence.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act to establish a Civil Code," approved March twenty-first, one thousand eight hundred and seventy-two, is hereby amended by adding thereto a new section to be numbered and known as section one thousand one hundred and sixty-three and to read as follows:

1163. Any person, firm, or corporation, may record in the office of the county recorder of any county in the State of California a certificate setting forth the name of said person, firm, or corporation, and the place of residence of said person, firm, or corporation, and the place where service of summons

Certificate of residence filed with recorder, showing where service of summons may be made.

may be made upon said person, firm, or corporation. The said certificate must be verified by the oath of the person, or of a member of the firm, or officer of the corporation making the same, and may be recorded without acknowledgment. Such person, firm or corporation may upon a change of place of residence file affidavit as herein provided and such last affidavit filed shall be the place designated as the place where service of summons may be made as herein provided. The fee of the recorder for recording said certificate shall be fifty cents; and the recorder shall keep in his office an index entitled "Index to Certificates of Residence," in which must be entered the name of the person, firm, or corporation in whose behalf said certificate was filed.

Fee for recording.  
Recorder to keep index to certificates of residence.

### CHAPTER CXXXIX.

*An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and twenty-two of the Penal Code of the State of California, is hereby amended so as to read as follows:

When husband and wife are competent witnesses.

1322. Neither husband nor wife is a competent witness for or against the other in a criminal action or proceeding to which one or both are parties, except with the consent of both, or in cases of criminal violence upon one by the other, or in cases of criminal actions or proceedings brought under the provisions of section 270 of this code, or in cases of criminal actions or proceedings for bigamy.

### CHAPTER CXL.

*An act to add a new section to the Penal Code to be numbered section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section 526 to read as follows:

Sale of tickets to theater, etc.

526. Every person who sells or offers for sale any ticket or tickets to any theater or other public place of amusement at a price in excess of that charged originally by the management of such theater or public place of amusement is guilty of a misdemeanor.

## CHAPTER CXLI.

*An act making an appropriation to pay for rent, library, and furnishing quarters for the district courts of appeal.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for rent, library, and furnishing quarters for the district courts of appeal. The amount above appropriated shall be divided equally between the three district courts of appeal, and the state controller is hereby authorized and directed to draw his warrants in favor of the judges of each of said courts for one third of said amount, and the state treasurer is hereby authorized and directed to pay the same.

District  
courts of  
appeal,  
rent,  
library,  
etc., for.

## CHAPTER CXLII.

*An act to amend section four hundred and twelve of an act entitled "An act to establish a Code of Civil Procedure" approved March eleventh, one thousand eight hundred and seventy-two, relating to the publication of summons when the defendant is absent from the state, concealed, or is a foreign corporation having no agent in this state, or is a person who cannot be found within this state.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and twelve of an act entitled "An act to establish a Code of Civil Procedure" approved March eleventh, one thousand eight hundred and seventy-two, is hereby amended to read as follows:

Civil  
actions.

412. Where the person on whom service is to be made resides out of the state; or has departed from the state; or cannot, after due diligence, be found within the state; or conceals himself to avoid the service of summons; or is a foreign corporation having no managing or business agent, cashier or secretary within the state, and the fact appears by affidavit to the satisfaction of the court, or a judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is

Publica-  
tion of  
summons,  
when  
defendant  
is absent  
from state,  
concealed,  
or is a  
foreign  
corpora-  
tion  
having no  
agent.

a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file herein, that it is an action which relates to or the subject of which is real or personal property in this state, in which such person defendant or foreign corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or foreign corporation from any interest therein, such court or judge may make an order that the service be made by the publication of the summons, *provided* that where service is sought to be made upon a person who cannot, after due diligence, be found within the state it must first appear to the court by the affidavit aforesaid that there has not been filed, on behalf of such person, in the county where such action is pending, the certificate of residence provided for by section one thousand one hundred and sixty-three of the Civil Code in the county in which the action is brought; or that said certificate was so filed and that the defendant cannot be found at the place named in said certificate, which latter fact must be made to appear by the certificate of the sheriff of the county wherein said defendant claims residence in and by said certificate of residence, and which certificate of said sheriff must show that service of said summons was attempted upon said defendant at the place named in said certificate of residence but that said defendant was not to be found thereat.

When in this state and cannot be found.

### CHAPTER CXLIII.

*An act to amend section one of an act entitled "An act to provide for the appointment, duties and compensation of a débris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner" approved March 24, 1893.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to provide for the appointment, duties and compensation of a débris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner, approved March twenty-fourth, one thousand eight hundred and ninety-three, and amended March 13, 1901," is hereby amended so as to read as follows:

Débris commissioner, appointment and term.

Section 1. The governor of the State of California shall, on or before the first day of May, nineteen hundred and five, appoint a competent civil and mining engineer for a period of four years only, to be known as and called the state débris commissioner.



## CHAPTER CXLIV.

*An act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered section 377a, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders and regulations of the state board of health, respecting the quarantine, disinfection or isolation of persons, animals, things or places, or the prevention or abatement of contagious or infectious diseases.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section to be numbered section 377a is hereby added to the Penal Code of the State of California to read as follows:

377a. Every person who after notice shall violate, or who, upon the demand of any public health officer, shall refuse or neglect to conform to any rule, order or regulation prescribed by the state board of health respecting the quarantine, or disinfection of persons, animals, things or places, shall be guilty of a misdemeanor.

State board of health, violation of rules of, relating to quarantine, etc.

SEC. 2. All acts and parts of acts inconsistent or in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CXLV.

*An act amending an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor, approved February 12, 1903, is amended to read as follows:

Section 3. It shall be unlawful for any employment agent in the State of California, to induce, influence, persuade, or engage any person to change from one place to another in this state, or to change from any place in any state, territory, or country, to any place in this state to work in any branch of

Employment agents, misrepresentation by.

Return of fees paid and certain expenses, when influenced by misrepresentation to visit any place in hope of employment.

labor, through or by means of any representations whatsoever, whether spoken, written, or advertised in printed form, unless such employment agent shall have assured himself beyond a reasonable doubt that such representations are true and cover all the material facts affecting the employment in question. Whenever any such representation, whereby any person is induced, influenced, persuaded, or engaged to change from one place to another in this state, or from any place in any state, territory, or country, to any place in this state to work in any branch of labor, shall prove to be in any material degree at variance with, or short of the truth, the employment agent responsible for such representations shall immediately return to any person who shall have been influenced, by such representations, any and all fees paid by such person to said employment agent on the strength of such representations, together with an amount of money sufficient to cover all necessary expenses incurred by such person influenced by such representations in going to and returning from, any place he shall have been influenced by such representations to visit in the hope of employment.

SEC. 2. Section four of said act is hereby repealed.

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## CHAPTER CXLVI.

*An act to amend Section 442, Title XII, of the Penal Code of California, relating to crimes against the revenue and property of this state.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and forty-two of Title XII of the Penal Code of California is hereby amended so as to read as follows:

Military property, unlawful conversion of.

442. *Unlawful conversion of military property.* Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the National Guard, or in any manner pawn or pledge any arms, uniforms, equipments, or other military property of the State of California, or of any company of the National Guard shall be guilty of a misdemeanor.

SEC. 2. The provisions of this section shall be in force and effect from and after its passage and approval.

## CHAPTER CXLVII.

*An act to repeal Section 443, Title XII, of the Penal Code of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 443 of Title XII, of the Penal Code of California is hereby repealed.

Sale of state arms; repealed.

## CHAPTER CXLVIII.

*An act to amend section 1564 of the Political Code of California, in regard to teachers' institutes.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1564 of the Political Code of California is amended to read as follows:

1564. The county superintendent must keep an accurate account of the actual expenses of said institute, with vouchers for the same, and draw his requisition upon the county auditor, who shall draw his warrant on the unapportioned county school fund to pay said amount; *provided*, that any counties participating in joint institutes as provided by section 1560, such amount shall not exceed two hundred (\$200.00) dollars; and in counties that do not participate in such joint institutes, said amount shall not exceed three hundred (\$300.00) dollars, for any one year.

County teachers' institutes; expenses, how paid.

## CHAPTER CXLIX.

*An act to amend section 1723 of the Code of Civil Procedure of the State of California relating to the disposition of life estates or homesteads or community property in certain cases.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand seven hundred and twenty-three of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

Disposi-  
tion of life  
estates or  
home-  
steads, or  
commu-  
nity prop-  
erty, on  
owner's  
death in  
certain  
cases.

1723. If any person has died or shall hereafter die who at the time of his death was the owner of a life estate which terminates by reason of the death of such person, or if such person at the time of his death was one of the spouses owning lands as a homestead, which lands by reason of the death of such person, vest in the surviving spouse; or if such person was a married woman who at the time of her death was the owner of community property which passed upon her death to the surviving husband; any person interested in the property, or in the title thereto, in which such estates or interests were held, may file in the superior court of the county in which the property is situated, his verified petition setting forth such facts, and thereupon and after such notice by publication or otherwise, as the court may order, the court shall hear such petition and the evidence offered in support thereof, and if upon such hearing it shall appear that such life estate of such deceased person absolutely terminated by reason of his death, or such homestead or community property vested in the survivor of such marriage, the court shall make a decree to that effect, and thereupon a certified copy of such decree may be recorded in the office of the county recorder, and thereafter shall have the same effect as a final decree of distribution so recorded.

## CHAPTER CL.

*An act to appropriate the sum of twenty thousand dollars for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a state highway.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Sonora and  
Mono road,  
appropriation  
for construc-  
tion of,  
under super-  
vision of the  
depart-  
ment of  
highways.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which moneys shall be used and expended in the erection and construction of bridges, culverts, and grading upon the Sonora and Mono road, now a state highway; said moneys shall be expended under the supervision of the department of highways, and the accounts of all moneys expended by virtue of the provisions of this act shall be audited and allowed by the state board of examiners, and when so audited the state controller is hereby directed to draw his warrant on the state treasury therefor, and the state treasurer is hereby directed to pay the same.

SEC. 2. Five thousand dollars of the moneys appropriated shall be available on and after the passage of this act, and the remaining fifteen thousand dollars of the moneys hereby

appropriated shall be available from and after July first, nineteen hundred and five.

SEC. 3. This act shall take effect and be in force from and after its passage.

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CHAPTER CLI.

*An act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand (\$5,000) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Lawrence J. Dunnigan against the State of California. Claim of Lawrence J. Dunnigan.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of said Lawrence J. Dunnigan for the sum of five thousand (\$5,000) dollars, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said Lawrence J. Dunnigan shall make and deliver to controller, upon receipt of said warrant, a release of all his claims against the State of California.

SEC. 4. This act shall take effect at and be in force from and after the first day of January, 1906.

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CHAPTER CLII.

*An act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the order of the board of managers of the Mendocino State Hospital for the fencing and improvement of the grounds around said hospital buildings. Mendocino State Hospital; improvement of grounds.

SEC. 2. The state board of examiners shall examine, audit, and allow all demands arising under this act, and the state

controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1905.

### CHAPTER CLIII.

*An act making an appropriation of six hundred and sixty-eight dollars and sixty-five (\$668.65) cents to pay the claim of Edward W. Lehner against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
Edward W.  
Lehner.

SECTION 1. The sum of six hundred and sixty-eight dollars and sixty-five (\$668.65) cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay and discharge the claim of Edward W. Lehner against the State of California.

SEC. 2. The sum hereby appropriated shall be in full payment, satisfaction and acquittance of the said claim of Edward W. Lehner and the controller is hereby authorized and directed to draw his warrant for the said sum and the treasurer of state is hereby authorized and directed to pay the same, and thereupon the said Edward W. Lehner shall make and deliver unto the controller a full receipt and release of his said claim against the State of California, *provided*, that the direction to the controller is expressly exempt from the provisions of section six hundred and seventy-two of the Political Code of the State of California.

SEC. 3. This act shall take effect on the first day of July, A. D. 1905.

### CHAPTER CLIV.

*An act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Estates of  
deceased  
persons,  
etc.

SECTION 1. Section fifteen hundred and seventy-nine of the Code of Civil Procedure is hereby amended to read as follows:

1579. To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows: Proceedings to lease.

First—The executor, administrator, guardian of a minor or of an incompetent person, or any person interested in the estate of such decedents, minors, or incompetent persons, may file a verified petition showing: Petition.

1. The advantage or advantages that may accrue to the estate from giving a lease. Requirements.

2. A general description of the property proposed to be leased.

3. The term, rental, and general conditions of the proposed lease.

4. The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, so far as known to the petitioner.

Second—Upon filing such petition an order shall be made by the court or judge requiring all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than two nor more than four weeks thereafter, then and there to show cause why the realty (briefly indicating it) should not be leased for the period (stating it), at the rental mentioned in the petition (stating it), and referring to the petition on file for further particulars. Order of court to show cause.

Third—The order to show cause may be personally served on the persons interested in the estate at least ten days before the time appointed for hearing the petition, or it may be published for two successive weeks in a newspaper of general circulation in the county. Service of order.

Fourth—At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the court or judge), the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objections that may have been filed or presented thereto. Upon such hearing, witnesses Hearing.

may be compelled to attend and testify in the same manner and with like effect as in other cases, and the court may, in its discretion, appoint one or more, not exceeding three, Witnesses.

disinterested persons to appraise the rental value of the premises, and direct that a reasonable compensation for the Appraisers.

services, not exceeding five dollars per day, be paid by the estate. If, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor, administrator, or the guardian to make such lease. The order may prescribe the minimum rental to be received for the premises, and the period of the lease, which must in no case be longer than for ten years, and may prescribe the other Minimum rental.

terms and conditions of such lease.

Conditions  
of lease.

Fifth—After the making of the order to lease, the executor, administrator, or guardian of a minor or of an incompetent person shall execute, acknowledge, and deliver a lease of the premises for the term and period and with the conditions specified in the order, setting forth in the lease that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the leased land or any portion thereof lies.

Effect of  
lease.

Sixth—Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions therein prescribed, the premises described therein. Jurisdiction of the court to administer the estate of the decedent, the minor, or of the incompetent person shall be effectual to vest such court and judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns. No omission, error, or irregularity in the proceedings shall impair or invalidate the same, or the lease made in pursuance thereof.

Errors and  
omissions.

## CHAPTER CLV.

*An act to amend section 1310 of the Civil Code, relating to lapsed devises and legacies.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1310 of the Civil Code is hereby amended to read as follows:

On death  
of legatee,  
before  
testator,  
lineal de-  
scendants  
take estate

1310. When any estate is devised or bequeathed to any child, or other relation of the testator, and the devisee or legatee dies before the testator, leaving lineal descendants, such descendants take the estate so given by the will, in the same manner as the devisee or legatee would have done had he survived the testator.



## CHAPTER CLVI.

*An act to amend section 634 of the Political Code relating to the registration of life insurance policies and deposit of security with insurance commissioner therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 634 of the Political Code is hereby amended to read as follows:

634. It shall be lawful for any company or corporation, transacting the business of life insurance in this state, to register with the insurance commissioner, such of its policies as may be agreed upon by the company and the insured: such registration to consist in a written or printed list of such policies filed with the commissioner, showing the name and age of the insured, number and date of the policy and the kind and amount of insurance in each case. Such list must be filed with the commissioner within thirty days after the issuance of the first registered policy, and must contain all such policies issued up to date of filing. After that date, the company must, within three days after the first day of each calendar month, file a statement embracing all its registered policies issued since the filing of its last preceding list. Upon filing such lists of policies, from time to time, the company must deposit with the commissioner, as a special deposit for the benefit of such registered policies, securities of the denominations stated in section four hundred twenty-one of the Civil Code as permissible for the investment of the capital and accumulations of insurance companies. Such deposits must be in an amount equal to the full net value of all policies registered up to the time of making the deposit, and must, at all times, be equal to such net value of all registered policies. Upon receipt of such securities the commissioner must immediately deposit them in the state treasury, in accordance with the provisions of section six hundred and eighteen of the Political Code, where they must remain as a special security for the benefit of such registered policies. Such company may, at any time, withdraw any excess of securities above the net present value hereinbefore specified, upon satisfying said commissioner by written proof that such excess exists, and shall be allowed to receive the interest on all securities deposited and to exchange such securities by substituting other securities of the character in which, by the laws of this state, it may invest its funds.

Insurance commissioner.

Registration of policies of life insurance companies with.

Deposit of securities with.

Amount of deposits.

Securities deposited in state treasury by commissioner.

Withdrawal of excess securities.

Exchange of securities.

## CHAPTER CLVII.

*An act to provide for the joint investigation with the federal government of the water resources of the state, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State board  
of ex-  
aminers to  
contract  
for topo-  
graphic  
maps.

Water  
resources.

Forest  
resources.

Expendi-  
tures not  
to exceed  
certain  
amounts.

Contracts  
of board of  
examiners.

Powers of  
persons  
employed.

SECTION 1. The state board of examiners are hereby empowered to enter into contracts with the director of the United States Geological Survey for the purpose of making topographic maps to the extent of thirty thousand dollars; also for the purpose of gauging streams, determining underground water supplies, surveying reservoir sites and canal locations, for the conservation and utilization of waters of the state, to the extent of twenty thousand dollars; also for the purpose of investigating the economic quality and purity of the water of the state, to the extent of one thousand dollars, *provided*, no work of the nature heretofore stated shall be done where the same will interfere with the water already appropriated or in reservoirs or now in use for irrigation purposes, or domestic purposes, under the laws of this state; also with the chief of the Bureau of Forestry of the Department of Agriculture for the purpose of studying the forest resources of the state and their proper conservation, and especially with a view of formulating a proper state forestry policy, to the extent of ten thousand dollars; also with the director of the Office of Experiment Stations of the Department of Agriculture for the purpose of ascertaining the best methods of distributing and using the water, to the extent of fifteen thousand dollars, *provided, however*, that these expenditures for such purposes shall not be in excess of the amounts to be expended by the various departments of the federal government in collaboration with the specific work named above; *and provided further*, that in case any of the departments of the federal government above mentioned do not contribute these funds for said co-operation, that the state board of examiners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any of the departments of the federal government for the expenditure of said remaining balance; *and provided further*, that said last mentioned expenditure for such purpose shall not be in excess of the amount to be expended by that department of the federal government in collaboration with the state.

SEC. 2. In order to carry out the purposes of this act, any person or persons employed hereunder are authorized to enter

and cross all lands within this state; *provided*, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any such persons.

SEC. 3. The sum of seventy-six thousand dollars is hereby appropriated for the purposes specified in this act, and the controller of state is hereby authorized and directed to draw warrants upon such fund from time to time, upon the requisition of the state board of examiners and the state treasurer is hereby authorized and directed to pay such warrants; *provided*, one half of the appropriation herein shall be available in the fifty-seventh fiscal year, and the remaining one half of said appropriation shall be available in the fifty-eighth fiscal year, except that one half the funds for making topographic maps shall be available during the twelve months immediately following the passage of this act, and the remaining one half of this fund shall be available during the second twelve months following the passage of this act.

SEC. 4. It is hereby made the duty of the surveyor-general and the engineer of the board of public works to render any assistance desired by the state board of examiners in furtherance of the aims of this act.

This act shall take effect and be in force on and after the passage of this act.

### CHAPTER CLVIII.

*An act making an appropriation to pay the claim of John Burr, against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred twenty-six and seventy one hundredths dollars (\$126.70) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of John Burr.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLIX.

*An act making an appropriation of nine hundred fifteen dollars and ninety-four cents, to pay the claim of George H. Shaw against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
George H.  
Shaw.

SECTION 1. The sum of nine hundred fifteen dollars and ninety-four cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of George H. Shaw against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of George H. Shaw, for the sum of nine hundred fifteen dollars and ninety-four cents, and the state treasurer is hereby authorized and directed to pay the same, and this appropriation is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect July 1, 1905.

## CHAPTER CLX.

*An act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Home for  
Feeble-  
Minded  
Children,  
cottage for  
female  
patients.

SECTION 1. The sum of \$17,500 is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the erection of an additional cottage for the accommodation of fifty female patients at the California Home for the Care and Training of Feeble-Minded Children, and for equipping and furnishing the same.

SEC. 2. Not more than \$15,000 of the sum herein appropriated shall be expended for the erection of such cottage.

SEC. 3. Not more than \$2,500 of the sum herein appropriated shall be expended on the equipment, furniture and furnishings of such cottage.

SEC. 4. This act shall take effect July 1, 1906.

## CHAPTER CLXI.

*An act to provide for an appropriation for the preservation, protection and improvement of the Monterey custom house property.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$1500.00 is hereby appropriated out of the general fund of the state treasury, for the use of the board of Monterey custom house trustees, in the preservation, protection and improvement of the Monterey custom house, in such way and manner, as in their judgment may seem best and proper. Seven hundred and fifty (\$750.00) dollars of which shall be available for the purpose set forth, immediately after the passage of this act; and seven hundred and fifty (\$750.00) dollars of which shall be expended in the following fiscal year. The controller is hereby authorized to draw his warrant in favor of said board for the moneys herein made payable, and the treasurer is directed to pay the same.

Monterey custom house, improvement of.

## CHAPTER CLXII.

*An act to amend section nine hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to justification of sureties on undertakings on appeal.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nine hundred and forty-eight of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Appeals in civil cases.

948. The adverse party may except to the sufficiency of the sureties to any of the undertakings mentioned in sections nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, and nine hundred and forty-five, at any time within thirty days after notice of the filing of such undertaking; and unless they or other sureties, within twenty days after the appellant has been served with notice of such exception, justify before a judge of the court below, upon five days' notice to the respondent of the time and place of justification, execution of the judgment, order, or decree appealed from is no longer stayed; and in all cases where an

Justification of sureties on undertakings on appeal.

undertaking is required on appeal by the provisions of this title, a deposit in the court below of the amount of the judgment appealed from, and three hundred dollars in addition, shall be equivalent to filing the undertaking; and in all cases the undertaking or deposit may be waived by the written consent of the respondent.

### CHAPTER CLXIII.

*An act to add twelve new sections to the Political Code of the State of California to be known as sections 635a, 635b, 635c, 635d, 635e, 635f, 635g, 635h, 635i, 635j, 635k, and 635l, all defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships and individuals engaged in the business of placing or selling bonds, debentures or certificates of investment by whatsoever name such bonds, debentures or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures or certificates of investment are or may become entitled to claim or receive from such corporation, company or association, co-partnership or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine or penalty for non-payment of installments, and to protect the holders thereof.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code of the State of California to be known as section 635a and to read as follows:

Invest-  
ment  
company  
defined.

635a. Every person, corporation, company, association, co-partnership or individual in the State of California now engaged in or that shall hereafter engage in the business of placing or selling bonds, debentures or certificates of investment by whatsoever name said bonds, debentures or certificates of investment may be known or designated, when such business is conducted on the partial payment or installment payment plan, or in placing or selling any species of bonds, debentures or certificates of investment, on the partial payment or installment plan, wherein or whereby the holder or holders of said bond, debentures or certificates of investment are or may become entitled to claim and receive from such person, corporation, company or association a return, either at a definite or indefinite time, in cash, or

in merchandise, or any property, for the partial payments or installments of money so paid, and wherein or whereby the holder may be subject to a fine or forfeiture as a penalty for non-payment of said partial payments or installments, is hereby declared to be an investment company under the provisions of this act.

SEC. 2. A new section is hereby added to the Political Code of the State of California to be known as section 635b and to read as follows:

635b. Every corporation, company, association, co-partnership or individual now engaged in, or that shall hereafter engage in business in this state as an investment company as hereinbefore defined and not licensed by nor under the supervision of the bank commissioners, building and loan commissioners or insurance commissioner, that shall place or sell any bond or bonds, debenture or debentures, certificate or certificates of investment on the partial payment plan whereby the holder or holders of such bond, or bonds, debenture or debentures, or certificate or certificates of investment are or may become entitled to claim and receive from such corporation, company or association, a return, either at a definite or indefinite time, in cash, or in merchandise, or in property, for the partial payments or installments of money so paid, and wherein or whereby the holder may be subject to a fine, or penalty of forfeiture for non-payment of said partial payments or installments, is hereby required to deposit within sixty days after the passage of this act, in cases of corporations, persons, companies or associations now existing and doing business, or before commencing business in cases of persons, corporations, companies or associations not now engaged in business, for the security of the holder or holders of the bonds, debentures or certificates issued by it, with the treasurer of the State of California, in cash, or in securities to be approved by said treasurer, the sum of five thousand dollars (\$5,000), and in addition thereto shall deposit semi-annually, with the treasurer of the State of California, in cash, or securities to be approved by said officer, in the manner aforesaid, ten per cent of all premiums received on the sale of such bonds, debentures or certificates, until the sum so deposited shall amount to the sum of one hundred thousand dollars.

SEC. 3. A new section is hereby added to the Political Code of the State of California to be known as section 635c, and to read as follows:

635c. Every investment company as herein defined now doing business in the State of California shall, within sixty days after the approval of this act, and every investment company hereafter organized to carry on the business of an investment company as hereinbefore defined, shall, prior to engaging in such business, in addition to making such deposit, file with the secretary of state a duly authenticated copy of its articles of incorporation, charter or other instru-

Investment companies not licensed by bank or other commissioners.

Deposit with state treasurer cash or securities.

Articles of incorporation to be filed with secretary of state.

Fees to be paid.

Accompanied with statement.

Statement to contain what.

ment authorizing it to do business, and shall pay to the secretary of state the fees provided by law to be paid such officer for filing articles of incorporation within this state for a capital stock of like amount, the same to be accompanied with a statement showing—

(a) The name of the corporation, company, association, co-partnership or individual;

(b) The place where the principal business of the company, corporation, association, co-partnership or individual within this state is or is to be carried on;

(c) The amount of capital stock of the corporation, association or company, and the amount of paid-up capital stock;

(d) The names and residences of the incorporators and its stockholders at the time when said statement is filed, and the name of its officers and date when their terms will expire;

(e) The name and address of the officers or representative within the state upon whom process can be served;

(f) A statement of the net premiums received from the sale of bonds, debentures or certificates of investment during the preceding six months; which statement shall remain a public record in said office.

SEC. 4. A new section is hereby added to the Political Code of the State of California to be known as section 635*d* and to read as follows:

Duty of state treasurer.

635*d*. The treasurer of the State of California shall whenever such fact is brought to his knowledge notify the attorney-general of the non-compliance of any person, company, corporation or association doing business as an investment company as hereinbefore defined in the State of California with the provisions of this act, and the attorney-general shall immediately after receiving such notification commence an action against such corporation, company or association in the name of the people of the State of California:

Duty of attorney-general.

(a) To dissolve such corporation, company or association, if incorporated or organized under the laws of the State of California;

(b) To enjoin and restrain such person, corporation, company or association from doing business within the State of California, if an individual or if incorporated and organized at any place without this state.

SEC. 5. A new section is hereby added to the Political Code of the State of California to be known as section 635*e* and to read as follows:

Withdrawal of deposit upon ceasing to do business.

635*e*. Every corporation, company, association, co-partnership or individual that has made a deposit with the treasurer of the State of California in conformity with and under the provisions of this act, may, upon ceasing to do business within the state, maintain an action against the treasurer of the State of California to withdraw its deposit. It shall be the duty of the attorney-general to defend such action, and if upon judgment being rendered therein it shall



be found that said corporation, company or association has no liabilities within the state, the treasurer of the State of California shall return to said corporation, company or association, or to its order, the cash or securities deposited by it under the provisions of this act, but all expenses of such suit shall in any event be paid by such corporation, company or association.

SEC. 6. A new section is hereby added to the Political Code of the State of California to be known as section 635f and to read as follows:

635f. Every corporation, company, association, co-partnership or individual depositing cash or securities with the treasurer of the State of California, in conformity with the provisions of this act, shall have the right to substitute securities in equal value for cash deposited, or other securities of like value for those on deposit upon securing the approval of the treasurer of the State of California, to said exchange, and the treasurer is hereby authorized to permit such exchange of cash for securities, or securities for other securities, or securities for cash deposited by such corporation company or association if in his judgment such securities are equal in value to the amount of cash provided by law to be deposited. Every corporation, company or association so making a deposit in compliance with or under the provisions of this act may collect and use any dividend, interest or profits arising on or from any securities deposited with the treasurer of the State of California, *provided* such security is not thereby depreciated in value.

Right to substitute securities for cash deposit.

SEC. 7. A new section is hereby added to the Political Code of the State of California to be known as section 635g, and to read as follows:

635g. No corporation, company, association, co-partnership or individual doing business within this state as an investment company as hereinbefore defined shall hereafter lend to holders of bonds, debentures or certificates of investment, out of its reserve fund, any amount greater than the proportionate share of such bond, debenture or certificate of investment in said reserve, and whenever such loan is made it shall be evidenced by the note of the borrower and secured by a deposit as collateral security, of the bond, debenture or certificate of investment on which the same is made. Any collateral so taken may be deposited with the treasurer of the State of California as a part of the deposit hereinbefore required and it may be computed as making so much of said required deposit as the proportionate share of such bonds, debentures or certificates of investment so deposited as the entire reserve fund amounts to not exceeding however the amount loaned.

Amount of money to be loaned out of reserve fund.

Collateral may be deposited with treasurer.

SEC. 8. A new section is hereby added to the Political Code of the State of California to be known as 635h, and to read as follows:

Reserve  
fund.

635h. Every corporation, company, association co-partnership or individual doing business within this state as an investment company as hereinbefore defined shall apportion not less than forty per cent of every partial payment or installment received from the sale of any bond or bonds, debenture or debentures, certificate or certificates of investment as a reserve fund; said reserve may be invested from time to time within the discretion of the board of directors or governing body of such corporation, company, association, co-partnership or individual.

SEC. 9. A new section is hereby added to the Political Code of the State of California to be known as 635i, and to read as follows:

Duty of  
attorney-  
general.

635i. The attorney-general of the State of California shall, at any time that he may deem proper, or at any time upon the complaint of any holder of any bond or bonds, debenture or debentures, certificate or certificates of investment by whatever name they be known or designated, make any examination of the affairs of any corporation, company or association doing business within this state as an investment company as herein defined, and inquire into the investments of the reserve fund of such corporation, company or association and if upon such examination it shall be ascertained that any corporation, company or association so doing business has not assets to equal in value the total amount of reserve as in the last section required with interest thereon at three and a half per cent per annum compounded annually from the time of the sale of such bonds, debentures or certificates of investment, he shall commence an action in the name of the people of the State of California to restrain and enjoin said corporation from doing business and unless said reserve is made to equal the amount required before judgment is rendered in said action, judgment shall be rendered restraining and enjoining said corporation, company or association from doing business within this state, and he shall in his discretion institute proceedings against such company, corporation, association, co-partnership or individual to have it declared bankrupt.

SEC. 10. A new section is hereby added to the Political Code of the State of California to be known as section 635j and to read as follows:

Violation  
of the  
provisions  
of this act;  
penalty.

635j. Every officer, agent or representative of any corporation, company or association doing business within this state as an investment company as hereinbefore defined, who shall place or sell any bond or bonds, debenture or debentures, or certificate, or certificates of investment of any company that has not complied with the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, and not more than five hundred dollars, for each offense, or by imprisonment in the county jail for not

less than thirty days, nor more than six months, or by both such fine and imprisonment.

SEC. 11. A new section is hereby added to the Political Code of the State of California to be known as section 635*k* and to read as follows:

635*k*. No person, firm, corporation, company, co-partnership or individual shall issue, sell or dispose of any species of bond or bonds, debenture or debentures, certificate or certificates of investment on the partial payment or installment plan whereby the holder or holders of such bond or bonds, debenture or debentures, or certificate or certificates of investment are or may become entitled to claim and receive from such person, firm, company, association or co-partnership a return either at a definite or indefinite time in cash, or in merchandise, or in property, for the payment of installments so paid, and wherein or whereby the holder may be subject to a fine or penalty or forfeiture for non-payment of such partial payments or installments, without having complied with the provisions of this act and first made the deposit required by section 2 of this act.

Not to do  
business  
until  
deposit is  
made.

SEC. 12. A new section is hereby added to the Political Code of the State of California to be known as section 635*l* and to read as follows:

635*l*. All provisions of this act providing for the making of said deposits, the exchange of securities and the penalties for selling said bonds, debentures or certificates shall apply to all persons, corporations, associations, firms or co-partnerships engaged in the business of investment companies as herein defined.

Applica-  
tion.

#### CHAPTER CLXIV.

*An act making an appropriation to pay the claim of the county of El Dorado against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-four hundred dollars and ten cents to pay the claim of the county of El Dorado against the State of California.

Claim of  
El Dorado  
county.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the county treasurer of the said county of El Dorado for the amount named in section one of this act, and the state treasurer is hereby directed to pay the same; the said county treasurer of said county of El Dorado shall pay the amount of said warrant into the county treasury of said county of El Dorado to the credit of said county.

## CHAPTER CLXV.

*An act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Home for  
Feeble-  
Minded  
Children,  
dormi-  
tories for.

SECTION 1. The sum of \$3000 is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the erection of dormitories for the accommodation of attendants and employés at the California Home for the Care and Training of Feeble-Minded Children.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER CLXVI.

*An act to amend an act entitled, "An act to establish a Penal Code," approved February 14, 1872, by amending section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Judgment  
and  
execution.

Inquiry  
into aggra-  
vation or  
mitigation  
of punish-  
ment.

Investiga-  
tion by  
probation  
officer.

Defendant  
placed on  
probation  
on plea or  
verdict of  
guilty.

SECTION 1. Section twelve hundred and three of the Penal Code is hereby amended to read as follows:

1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestion of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may in its discretion, hear the same summarily at a specified time and upon such notice to the adverse party as it may direct. In such cases and after the case of the defendant has been investigated by the probation officer and a written report filed of record in the court in accordance with this statute, and in accordance with section 131 of the Code of Civil Procedure, the court shall have power in its discretion to place the defendant upon probation in the manner following, if it shall appear to the judge, by such report so furnished by the probation officer or otherwise, as to any such defendant over the age of sixteen years so having pleaded guilty or

having been convicted of crime, that there are circumstances in mitigation of the punishment or that the ends of justice and the interest of society and the reform of the defendant will be subserved thereby, viz :

1. The court, judge or justice thereof may suspend the imposing of sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum possible term of such sentence, and upon such terms and conditions as it shall determine, and shall place such person on probation, under the charge and supervision of the probation officer of said court during such suspension, or under the charge and supervision of the probation officer of the court of another county, where the court shall deem it best because of the residence or place of occupation or employment of the person so released on probation, or because the ends of justice or reform of such person will be best subserved thereby.

Sentence suspended and defendant placed under charge of probation officer.

2. If the judgment is to pay a fine, and that the defendant be imprisoned until it be paid, the court, judge, or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms, as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however*, that upon payment of the fine being made, judgment shall be satisfied and the probation cease.

Execution of sentence suspended if judgment is to pay a fine.

Judgment satisfied and probation ceases.

3. At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court. If in the opinion of the officer it is for the interest of justice and of society and the reform of such person that his probation be revoked and that he be committed to prison, such officer shall file his written recommendation thereof of record in the court; or the court may of its own motion in its discretion, issue a warrant for the rearrest of any such person and may thereupon or upon such written recommendation of such probation officer, revoke and terminate such probation, if the interest of justice and of society, or the reform of the person will be subserved thereby, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in any criminal or immoral practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time after the said suspension of the sentence within the longest period for which the defendant might have been

Probation officer may rearrest person placed in his care.

Revocation of probation.

Judgment pronounced upon revocation.

sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall have full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, and the time during which the execution of such judgment was suspended shall not count as any part of any term of imprisonment provided for, by, or resulting under such judgment.

Power of court to revoke or modify order of suspension. Termination of probation and discharge of person. Defendant discharged at end of term of probation.

4. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

## CHAPTER CLXVII.

*An act to amend section three thousand nine hundred and twenty-eight of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand nine hundred and twenty-eight of the Political Code is amended to read as follows:

Sacramento and San Joaquin counties, boundary line between established.

3928. Beginning on the northern line of the county, at a point ten miles north of a point which was, on the thirtieth of March, eighteen hundred and fifty-seven, the mouth of the American river; thence easterly to the junction of the north and south forks of said river; thence up the principal channel of the south fork to a point one mile above Mormon island, so as to include said island in Sacramento county, forming the northeast corner; thence southerly to a point on the Cosumnes river, eight miles above the house of William Daylor; thence south to Dry creek, forming southeast corner; thence down said Dry creek to its entrance into Mokelumne river; thence down the Mokelumne river to a point where said river divides into east and west branches; thence down the west branch to its junction with the east branch; thence down said river to its junction with the San Joaquin river; thence down the San Joaquin river to the mouth of the Sacramento river, at the head of Suisun bay, forming southwest

corner; thence up the Sacramento river to the mouth of Merritt slough; thence up said slough to the mouth of Sutter slough; thence up said Sutter slough to the Sacramento river; thence up the Sacramento river to a point west of the place of beginning, forming the northeast corner of Sacramento county; thence east to the place of beginning. County seat—Sacramento.

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CHAPTER CLXVIII.

*An act to amend section 739 of the Political Code relating to the salaries of officers connected with the supreme court.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 739 of the Political Code is hereby amended to read as follows:

739. The annual salaries of the officers connected with the supreme court are as follows: The reporter of the decisions of the supreme court and of the district courts of appeal, twenty-five hundred dollars; the assistant reporters of the decisions of the supreme court and of the district courts of appeal, not exceeding three in number, one at twenty-four hundred dollars and two at twelve hundred dollars each; one phonographic reporter, three thousand dollars, and one phonographic reporter, twenty-four hundred dollars; two secretaries of the court, each, twenty-four hundred dollars; each bailiff, fifteen hundred dollars; the librarian, fifteen hundred dollars.

Supreme court and district courts of appeal, officers of, and salaries.

SEC. 2. This act shall take effect immediately.

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CHAPTER CLXIX.

*An act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the superior court of the county of Sacramento.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three thousand three hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of John F. Pryor against the State of California upon a

Claim of John F. Pryor.

judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered nine thousand six hundred and fourteen upon the register of the superior court of the county of Sacramento.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said John F. Pryor for the said sum of three thousand three hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

## CHAPTER CLXX.

*An act to appropriate \$590.00 to pay the claim of N. Weisbaum, against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the superior court of the county of Sacramento.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
N. Weis-  
baum.

SECTION 1. The sum of five hundred and ninety dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered nine thousand six hundred and sixteen upon the register of the superior court of the county of Sacramento.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said N. Weisbaum for the said sum of five hundred and ninety dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.



## CHAPTER CLXXI.

*An act authorizing the directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the county of Napa, and appropriating the sum of three thousand dollars to pay for the purchase of the same.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of directors of the Veterans' Home of California is hereby authorized and directed to purchase, take over and manage for said Veterans' Home, and to pay to the Veterans' Home Association the sum of three thousand dollars therefor, the following described property, to wit:

Veterans' Home, acquisition of property.

Commencing at a stone in the middle of the county road leading from the city of Napa to Yountville, at the northeast corner of the 241.40 acre tract of land conveyed by J. M. Harbin to W. S. Clark, by deed dated June 25th, 1856, and recorded in liber "C" of deeds, page 519, Napa county records; thence from said point of beginning along the northwesterly line of said 241.40 acre tract S. 59 degrees W. 35.87 chains to a corner of the Veterans' Home tract of land; thence following the boundary of said Veterans' Home tract, as follows: S. 22½ degrees E. 4.72 chains to a point from which a large spring bears N. 6¾ degrees W. 59 links distant; thence N. 67½ degrees E. 2.62 chains; thence N. 22½ degrees W. 4.88 chains to a point 15 links southeasterly from the said northwesterly line of the above mentioned 241.40 acre tract; thence N. 59 degrees E. and parallel to and 15 links distant from the northwesterly line of said 241.40 acre tract 33.27 chains to the middle of said county road; thence along the middle of said road N. 30 degrees W. 15 links to the place of beginning, containing 1.78 acres of land and being a part of said 241.40 acre tract.

SEC. 2. The sum of three thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, and the said state treasurer is hereby authorized and directed to pay the same to the said board of directors of the Veterans' Home of California for such purpose, and the said board of directors of the Veterans' Home of California is hereby authorized and directed to purchase the said property and to pay to the said Veterans' Home Association the same upon the conveying of a good and sufficient title to the State of California in and to said lands.

Cost of.

SEC. 3. This act shall take effect and be in force on and after its passage.

## CHAPTER CLXXII.

*An act to amend an act entitled "An act to establish a Penal Code," approved February 14th, 1872, by adding thereto a new section to be known and numbered as section 381b, relating to duties of the state dairy bureau.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State dairy bureau.	SECTION 1. A new section is hereby added to the Penal Code, to be known and numbered as section three hundred and eighty-one <i>b</i> , and to read as follows:
Duty of, relating to the enforcement of the law on false tests of dairy products.	381b. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of section three hundred and eighty-one <i>a</i> of the Penal Code and cause the prosecution of persons whom it knows, or has reason to believe, are guilty of violating the provisions of said section of the Penal Code. It shall be the duty of the
Duty of district attorney.	district attorney of each and every county in the state to attend to the prosecution of all persons within his district against whom the state dairy bureau shall enter complaint for violating the provisions of said section of the Penal Code.
Bureau to inspect and examine creameries.	Said state dairy bureau shall from time to time inspect and examine as to their accuracy, or their adaptability to give accurate results, all glassware, measures, scales, weights and other apparatus used in creameries, and factories of dairy products where milk and cream are purchased, to determine the amount or percentage of fat in milk or cream. Said
Bureau to furnish creameries with apparatus for testing.	state dairy bureau shall supply at cost, and not oftener than once in a year, to every creamery, or other factory of dairy products where milk and cream, or either, are purchased, upon application not more than two tubes or bottles and one
Bureau to test apparatus.	pipette of the forms used with the Babcock test, which it shall first examine as to accuracy, and if accurate, or adapted to give accurate results under the usual method of operating the Babcock test, said state dairy bureau shall certify to this
Fee for.	by marking durably and permanently upon each and every piece of apparatus supplied the letters "D. B." Said state dairy bureau shall also upon payment at the rate of one dollar for each dozen, test or examine into the accuracy of all test bottles or tubes and pipettes sent to it direct from any creamery, or other factory of dairy products where milk or cream are purchased, and if found accurate, or adapted to give accurate results, the letters "D. B." shall be marked upon each piece of apparatus examined. The state dairy
Disposition of fees received.	bureau shall pay all money received for making such tests for examinations into the state treasury and the same shall become a part of the appropriation for the use of the state

dairy bureau and its disposition shall be at the disposal of the state dairy bureau in enforcing the provisions of this act.

SEC. 2. This act shall take effect sixty days after its passage.

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### CHAPTER CLXXIII.

*An act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four hundred fifty-one and forty-five one hundredths dollars (\$451.45) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Deficiency  
in  
National  
Guard  
fund.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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### CHAPTER CLXXIV.

*An act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal year.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for the transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Appropriation  
for  
transportation  
of  
prisoners.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLXXV.

*An act to appropriate the sum of two thousand \$2,000 dollars to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the superior court of the city and county of San Francisco, and the supreme court of the State of California, in an action entitled Jeremiah F. Sullivan, et al., vs. Henry T. Gage, et al., constituting the state board of examiners.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
W. C.  
Van Fleet.

SECTION 1. The sum of two thousand \$2,000.00 dollars is hereby appropriated out of any money in the general fund, not otherwise appropriated, to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the superior court of the city and county of San Francisco and the supreme court of the State of California, in the action entitled, Jeremiah F. Sullivan, et al., vs. Henry T. Gage, et al., constituting the state board of examiners. The controller is hereby authorized and directed to draw his warrant in favor of the said W. C. Van Fleet for the said sum, and the state treasurer is hereby authorized and directed to pay the same. This act is hereby exempted from the provisions of section 672 of the Political Code relating to the state board of examiners, said claim having been heretofore approved by said board.

## CHAPTER CLXXVI.

*An act to add a new section to the Political Code to be numbered 758, relating to the appointment and employment of the officers of the district courts of appeal, and providing for their salaries.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered 758 to read as follows:

District  
courts  
of appeal,  
officers of  
and  
salaries.

758. Each of the three district courts of appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: One clerk, at twenty-four hundred dollars per annum; one deputy clerk at eighteen hundred dollars per annum; one stenographer, who shall be a deputy clerk, at eighteen hundred dollars per annum; and one bailiff at twelve hundred dollars per annum.

SEC. 2. This act shall take effect immediately.

## CHAPTER CLXXVII.

*An act to amend an act entitled "An act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of an act entitled "An act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895, is hereby amended to read as follows: Sutter's Fort, salary of guardian of.

Section 3. The guardian shall receive for his services sixty dollars per month, payable from the state treasury, in the same manner as other state officers are paid.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER CLXXVIII.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure" approved March 11, 1872, by adding a new section to said Code of Civil Procedure to be numbered 1760 relating to the removal of guardianship proceedings, from the superior court of any county in this state to the superior court of any other county thereof, and providing for the payment of the fees thereon.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added to the Code of Civil Procedure a new section to be numbered 1760, to read as follows: Guardian-ship

1760. The superior court of any county in this state in which is now pending, or in which there may be hereafter commenced, any proceeding which has for its object the guardianship of the estate of any minor or insane or incompetent person, or the guardianship of the person of any minor or insane or incompetent person, or both the guardianship of the estate and the guardianship of the person of a minor or insane or incompetent person, may make an order transferring such proceeding to the superior court of any other county in this state, in the manner herein provided; except that no such proceeding shall be transferred to the court of Transfer of proceedings from one county to another county.

Petition for removal. any county which at the time of such proceeding would not have jurisdiction to issue original letters in such matter or proceeding. To obtain an order for such removal, the guardian of the person or estate, or both, of such minor or insane or incompetent person, shall file in the superior court of the county where such proceeding is pending, a verified petition setting forth the following matters:

Petition must set forth. 1. The name of the county to the superior court of which it is sought to remove such proceedings;

2. The name of the county or counties in which the ward resides and that in which the guardian reside;

3. The name of the county or counties in which the property of such ward is situated, and a designation of the character and condition thereof;

4. The reasons for such removal;

5. The names and residences, so far as they are known to said guardian, of any relatives of such minor ward residing in said county in which said proceeding is pending;

6. The names and residences, so far as the same are known to said guardian, of the relatives within the third degree of such insane or incompetent ward residing in said county.

Order of court fixing time for hearing petition. Upon filing such petition an order shall be made by the court or judge fixing a time for hearing said petition, which shall be not less than five days thereafter, and directing that a copy of such order be sent through the United States mail to each of the said relatives of such minor or insane or incompetent ward, named in said petition as resident in the county in which said proceeding is pending. The court may require such other or further notice of said hearing as it may deem proper.

Hearing of. At the time fixed for the hearing of said petition any relatives of such ward, or any person interested in the estate of such ward, may appear and file written grounds of opposition to said petition. If after hearing the evidence of the petitioner, and contestant if any, it shall appear to the court that it is for the best interest and advantage of said ward, or of the estate of said ward that the removal of said proceeding be had to the court designated in said petition, or to the superior court of any other county, it shall enter an order directing the removal thereof to said court and directing the clerk to forward all papers on file therein to the clerk of the court to which said proceeding has been ordered removed, and thereafter the court to which said proceeding has been removed shall have jurisdiction of all proceedings therein as fully as if said proceeding has been originally begun in said court. The clerk of the court to which said proceeding is removed shall be entitled to receive a fee of six dollars on filing the papers transmitted to him, in addition to the expense of such transmission, payable on receipt of the papers by him.

Order of removal.

Fee of clerk.

CHAPTER CLXXIX.

*An act to amend sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1359 of the Political Code of the State of California is hereby amended so as to read as follows:

1359. Elections herein provided for and known and designated as primary elections shall be conducted, managed, and controlled as to selection of precinct officers, their powers and duties, publication of notices, use of original affidavits of registration, indexes and supplements thereto, challenging of voters, voting booths, printing and use of the ballots, cards of instruction, ascertainment of results, time for opening and closing of the polls, and all other details, in the same manner, and subject to the same regulations as are elections for state, district, county, city and county, city, town, and local officers as far as applicable, except as otherwise provided in this chapter; *provided*, that sample ballots shall not be printed or distributed, and that there shall be but one ballot-box at each polling place; *also, provided*, that there shall be printed for each primary election precinct only as many ballots for each participating political party as there are names appearing on the register, indexes or supplements thereto as persons entitled to vote thereat; *also, provided*, that the compensation which shall be allowed to each primary precinct election officer shall not exceed four dollars per day, and it shall be the duty of every person so chosen to act as such primary precinct election officer at such primary election to perform the services required of him in such capacity. That the primary precinct election officers shall be: an inspector, two judges, two clerks, and one ballot clerk for each primary election precinct, who must have been registered electors thereof for at least thirty days prior to their appointment and who must possess all the other qualifications required of precinct election officers for general elections, *provided* that the same person shall not, without his consent, be compelled to serve as said primary precinct election officer more than once in every two years.

Primary elections to be conducted as other elections.

Sample ballots dispensed with.

Number of ballots to be printed.

Compensation of precinct election officers.

Officers of election enumerated.

Qualifications of.

Not compelled to serve more than once in two years.

SEC. 2. Section 1367 of the Political Code of the State of California is hereby amended so as to read as follows:

1367. A person desiring to vote at any primary election on behalf of any party or for delegates to any convention, shall write his name and address on the roster of voters, or where unable to write shall have the same written thereon for him as provided by law, and he must also write, or where

Manner of voting.

Name and address and political party written in roster.

unable to write, have written for him on such roster, opposite such name and address, the name of the political party for whose candidates he in good faith intends to vote at the election for which the primary is held. The ballot clerk shall thereupon announce his name and address and the name of the political party for whose candidates he intends to vote. The voter thereby declares as a test of his right to vote a bona fide present intention of supporting the nominees of such political party or organization at the next ensuing election, and any voter may be challenged as to his right to vote for the candidates of the political party for whom he desires to vote and, when so challenged, his right to vote must be withheld unless he make oath or affirmation as to his bona fide present intention to support the nominees of the convention to which delegates are to be so elected for such political party or organization.

Duty of ballot clerk. Test of right to vote. Challenge. Oath of present intention. Duty of inspector.

It shall be the duty of the inspector to tender such oath or affirmation to any voter challenged on the grounds aforesaid. The voter may likewise be challenged for any cause that might disqualify a voter at a general election. If not challenged, or if the challenge is overruled, or withdrawn, he shall receive from the ballot clerk a ballot having the designation or heading of the political party whose name was written on such roster by or for him and he may be permitted to prepare and vote the same.

## CHAPTER CLXXX.

*An act to amend section two thousand one hundred and eighty-nine of the Political Code, relating to the discharge of persons from state hospitals.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand one hundred and eighty-nine of the Political Code is hereby amended to read as follows:

2189. The superintendent of a state hospital on filing his written certificate with the secretary of board of managers, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows:

1. A patient who, in his judgment, has recovered;
2. Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

State hospitals, discharge of patients from.

Superintendent may refuse to discharge.



The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

Superior judge may order discharge.

Certificate, proof, and order filed with county clerk.

3. The superintendent may grant a parole to a patient, not exceeding thirty days, under general conditions prescribed by the commission.

Parole of patient.

4. A patient committed to a hospital under the provisions of chapter six, title ten, part two, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter six of the Penal Code.

Patient redelivered to sheriff.

5. The medical superintendent of a state hospital may on his own motion and must on the order of the commission, discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania a potu. Such person, when discharged, shall be returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor, and it is hereby made the duty of the board or officer or officers having charge of the place where other poor and indigent persons are kept by the county to receive such discharged patients therein.

Discharge of patient on order of commission.

Returned to county.

Delivered to sheriff, when.  
Cared for by county, when.

When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the medical superintendent thereof. Said medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained as herein provided.

Conditions on recommitment.

- Certificate of discharge filed. 6. When any person is discharged as recovered from a state hospital a copy of the certificate of discharge duly certified by the secretary of the board of managers, may be filed for record with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fee shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such person as provided by sections seventeen hundred and sixty-three and seventeen hundred and sixty-four of the Code of Civil Procedure, such certificate, duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section seventeen hundred and sixty-six of the Code of Civil Procedure.
- Certificate of discharge recorded. The term patient as used in subdivisions one, two, three and six of this section shall be regarded as referring to and including inmates of the home for the feeble-minded.
- Copy of certificate as evidence. SEC. 2. This act shall take effect and be in force from and after its passage.
- Patient defined.

## CHAPTER CLXXXI.

*An act to amend section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1570 of the Penal Code of the State of California is hereby amended to read as follows:

Fines and forfeitures, how disposed of.

1570. All fines and forfeitures collected in any court, except police courts and city justices courts, must be paid to the county treasurer of the county in which the court is held; *provided*, that all forfeitures and fines collected in any court, for the violation of any city or town ordinance shall be paid to the city or town treasurer of the city or town in which such ordinance is in force; *and further provided*, that all fines and forfeitures collected in any police court or city justice's court that is maintained, and the salaries of the officers thereof, paid by the city, shall be paid to the city treasurer of the city in which such court is located, subject, however, to the provisions of Chapter I of Title XV of Part I of this code.

## CHAPTER CLXXXII.

*An act to amend section 1457 of the Penal Code of the State of California relating to the disposition of fines, collected in police and justice's courts.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1457 of the Penal Code of the State of California is hereby amended to read as follows:

1457. Upon payment of the fine, the officer must discharge the defendant, if he is not detained for any other legal cause, and pay over the fine within ten days to county treasurer if the offense is prosecuted for the violation of a state law in a justice's court; *provided* that all fines and forfeitures collected in any police court or city justice's court that is maintained, and the salaries of the officers thereof paid by the city, whether prosecuted for a violation of a state law or a city ordinance shall be paid to the city treasurer of the city in which such court is located; *and further provided*, that all fines and forfeitures collected for the violation of a city or town ordinance, in a justice's court shall be paid over to the city or town treasurer of the city or town in which such ordinance is in force, subject, however, to the provisions of Chapter I of Title XV of Part I of this code.

Justices' and police courts.

Defendant discharged upon payment of fine.

Disposition of fine

## CHAPTER CLXXXIII.

*An act authorizing and directing the board of state capitol commissioners to remodel and repair the state capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three hundred fifty-two thousand nine hundred and twenty-five dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of state capitol commissioners, and to be expended for the purposes hereinafter specified.

For remodeling the interior of the state capitol building, and making the same fire proof, rendering all space therein available, equipping the same properly for gas and electricity, painting the same, placing in the necessary elevators, paving

State capitol.

Remodeling and repairing of.

the driveways leading to said building, installing proper plumbing, heating and ventilating apparatus, and doing all other work of every kind and description necessary or proper for any of the purposes aforesaid. The said board shall also have power to employ such architects, foremen, superintendents and workmen for any of the purposes aforesaid they may deem proper. The state controller is hereby ordered and directed to draw the necessary warrants therefor, and the state treasurer is hereby ordered and directed to pay the same.

Publica-  
tion invit-  
ing bids.

SEC. 2. No contract for lumber, iron, machinery or material, of any kind whatever, to be used for the purposes mentioned in section one of this act, shall be entered into by the said board until publication shall be made in at least three daily newspapers, two of said newspapers to be published in the city and county of San Francisco, and one in the city of Sacramento, for at least twenty days prior thereto, inviting bids for the supplying of such material. Such bids may be in the form of sealed proposals, and shall be opened at a public meeting of the board of state capitol commissioners, and the contracts to be awarded to the lowest responsible bidder, after the acceptance of said bid, but the board shall have the power to reject any and all bids.

Opening  
of bids.

Rejection  
of any and  
all bids.

Plans, etc.,  
must be  
approved  
by capitol  
commis-  
sioners.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid shall receive the sanction of a majority of the said board of state capitol commissioners, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved.

SEC. 4. Out of the moneys hereby appropriated, \$150,000 shall be available on and after January 1, 1906, and the balance hereby appropriated shall be available on and after July 1, 1906.

SEC. 6. This act shall take effect immediately.

#### CHAPTER CLXXXIV.

*An act making an appropriation for the erection and construction of additional cells at the state prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks and tools and other expenses incidental and relating to the purposes in this act mentioned.*

[Approved March 13, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State  
prison at  
Folsom.

SECTION 1. The sum of one hundred and sixty-eight thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to

the state board of prison directors, and to be expended for the objects hereinafter specified :

For the construction and erection of additional cell rooms in the state prison at Folsom, for the construction of a wall around the said prison, for the purchase of necessary cement, derricks and tools for opening quarries at said prison and doing the said work, and for all other expenses immediately appertaining to the carrying out of this act.

Construction of cells and wall.

And the state controller is hereby ordered and directed to draw the necessary warrants therefor, and the state treasurer is hereby directed to pay the same as follows :

Of the appropriation made by this act, the sum of thirty thousand dollars shall not be payable or available until the first day of July, 1905, the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1906, the sum of twenty-five thousand dollars shall not be payable or available until the first day of July, 1906, the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1907, the sum of twenty thousand dollars shall not be payable or available until the first day of July, 1907, the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1908, the sum of twenty thousand dollars shall not be payable or available until the first day of July, 1908, and the sum of thirteen thousand dollars shall not be payable or available until the first day of January, 1909.

Appropriation, when available.

SEC. 2. No contract for lumber, iron, machinery or material, to be used for the purposes mentioned in section one of this act, shall be entered into by the directors until publication shall be made in at least three daily newspapers, two of said newspapers to be published in the city and county of San Francisco, State of California, and one in the city of Sacramento, State of California, for at least twenty days prior thereto, inviting bids for the supplying of such material. Such bids may be in the form of sealed proposals, and shall be opened at a public meeting of the board of directors, and the contract shall be awarded to the lowest responsible bidder for the supplying of such material; *provided* the board of prison directors shall have the power to reject any or all bids for cause. The board of prison directors shall have power to enter into the necessary contracts for the purchase of any and all material to carry out the provisions of this act, and to employ such men as may be necessary, in addition to the prison labor, to do the work herein specified, and are hereby authorized and empowered to cut all the necessary rock and granite at the state prison at Folsom, California, required for any of the purposes aforesaid.

Publication inviting bids.

Bids, how and when opened.

Rejection of any and all bids.

Contracts entered into.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the state board of prison directors, who shall cause an entry to be made in their minutes that such plans, descrip-

Plans, etc., approved by prison directors.

tions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provision of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned. All bills shall first be audited by the said state board of prison directors, and approved by the state board of examiners, before being paid.

Approval  
of bills.

SEC. 4. This act shall be exempt from the provisions of an act approved March 23, 1896, relative to contracts.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force immediately from and after its passage.

## CHAPTER CLXXXV.

*An act to amend section fifteen hundred and thirty-two of the Political Code, relating to the superintendent of public instruction.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and thirty-two of the Political Code is hereby amended to read as follows:

Superin-  
tendent of  
public in-  
struction,  
duties of.

1532. It is the duty of the superintendent of public instruction:

First—To superintend the schools of this state.

Report to  
governor.

Second—To report to the governor, on or before the fifteenth day of September preceding each regular session of the legislature, a statement of the condition of the state normal schools and other educational institutions supported by the state and of the public schools.

Report to  
show.

Third—To accompany his report with tabular statements, showing the number of school children in the state; the number attending public schools, and the average attendance; the number attending private schools, and the number not attending schools; the amount of state school fund apportioned, and the sources from which derived; the amount raised by county, city and county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building school houses, for district school libraries, and for incidental expenses.

Apportion  
state  
school  
fund.

Fourth—To apportion the state school fund; and to furnish an abstract of such apportionment to the state controller, the state board of examiners, and to the county and city and county auditors, county and city and county treasurers and to the county and city and county school superintendents of the

several counties of the state. In apportioning said fund he shall apportion to every county and to every city and county two hundred fifty dollars (\$250) for every teacher determined and assigned to it on school census by the county or city and county school superintendent for the next preceding school year, as required of the county or city and county school superintendent by the provisions of section 1858 of this code, and after thus apportioning two hundred fifty dollars on teacher or census basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance as shown by the reports of the county or city and county school superintendents for the next preceding school year.

Fifth—To draw his order on the controller in favor of each county or city and county treasurer for school moneys apportioned to the county or city and county.

Draw order for moneys apportioned.

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

Prepare blanks and books.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Laws printed.

Eighth—To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein.

Visit orphan asylums.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred (*provided*, that they do not exceed eighteen hundred dollars per annum) shall be allowed, audited, and paid out of the general fund in the same manner as other claims are audited and paid.

Visit schools.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Authenticate with official seal.

Eleventh—To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him.

Bind school reports, etc.

Twelfth—To report to the controller, on or before the tenth day of July of each year, the total number of children in the state between the ages of five and seventeen years, as shown by the latest reports of the county and city and county superintendents on file in his office.

Report to controller.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

Delivery of books, etc., at expiration of term.

SEC. 2. This act shall take effect and be in force from and after September 1st, 1905.

## CHAPTER CLXXXVI.

*An act to amend an act entitled "An act to establish a Civil Code" approved March 21st, 1872, by amending section sixty-nine of said Civil Code, relating to marriage licenses.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixty-nine of the Civil Code of the State of California, is hereby amended so as to read as follows:

Marriage  
licenses.

69. All persons about to be joined in marriage must first obtain a license therefor from the county clerk of the county in which the marriage is to be celebrated, and must upon oath qualify and show as follows:

1. The identity of the parties;
2. Their real and full names and places of residence;
3. Their ages;
4. No license must be granted when either of the parties applicants therefor is an imbecile or insane, or who at the time of making application for said license is under the influence of any intoxicating liquor, or narcotic drug;
5. No license must be issued authorizing the marriage of a white person with a negro, mulatto, or mongolian;
6. If the male is under the age of twenty-one, or the female under the age of eighteen years, the consent of the father, mother or guardian, if such consent is given; or that such non-age person has been previously, but is not at the time married.

If the male is under the age of twenty-one, or the female under the age of eighteen years, and such person has not been previously married, no license must be issued by the clerk, unless the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian is presented to him duly verified by such parents or parent or guardian; and such consent must be filed by the clerk and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned and required in this section, the clerk must at the time the license is applied for examine the parties to whom the license is to be issued under oath and reduce such examination to writing to be by them subscribed.



## CHAPTER CLXXXVII.

*An act to appropriate one hundred thousand dollars from any moneys hereafter collected and received by the State of California from the United States in payment of the claims of this state arising out of the Indian and Civil wars, to be expended in the acquisition, preservation, and protection of the forests of this state; creating the state board of examiners a commission to carry this act into effect and for the disbursement of said moneys, and creating the "State Forestry Fund."*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. From the moneys hereafter collected and received by the State of California from the United States in payment of the claims of this state arising out of the Indian and Civil wars, there is hereby appropriated the sum one hundred thousand dollars which shall be set aside and covered into the "State Forestry Fund," which fund is hereby created, and which moneys shall be devoted by the State of California for the acquisition, preservation and protection of the forests within the state, and to the interests of scientific forestry generally within the state.

State  
Forestry  
Fund.

Preservation  
and  
protection  
of  
forests.

SEC. 2. The state board of examiners shall constitute a commission for the carrying into effect the provisions of this act, and is hereby authorized to expend such moneys in such manner and for such purposes within the purview of this act as it shall deem advisable, and for that purpose shall audit all claims and demands arising hereunder, and the controller is hereby directed to draw his warrants for the amounts as the same may become due and payable and the treasurer of the state is directed to pay such warrants.

Board of  
examiners  
to expend  
moneys.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CLXXXVIII.

*An act to amend section 437 of the act entitled "An act to establish a Civil Code of the State of California," approved March 21st, 1872, relating to mutual life, health, and accident insurance corporations.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and thirty-seven of the Civil Code is hereby amended so as to read as follows:

437. Every corporation formed for the purpose of mutual insurance on the lives or health of persons, or against acci-

Mutual life  
insurance  
companies.

Capital  
stock of.

Capital  
stock to be  
paid up.  
Guarantee  
fund.

dents to persons for life or any fixed period of time, or to purchase and sell annuities, must have a capital stock of not less than two hundred thousand dollars. It must not make any insurance upon any risk or transact any other business as a corporation until its capital stock is fully paid up in cash, nor until it has also obtained a fund, to be known as a "guarantee fund," of not less than two hundred and fifty thousand dollars, as is hereinafter provided. If more than the requisite amount is subscribed, the stock must be distributed pro rata among the subscribers. Any subscription may be rejected by the board of directors or the committee thereof, either as to the whole or any part thereof, and must be, so far as rejected, without effect, nothing in this section shall be deemed to contravene any of the provisions of section four hundred and fifty-one.

#### CHAPTER CLXXXIX.

*An act to amend section two thousand one hundred and ninety-seven of the Political Code relating to actions which may be brought by the state commission in lunacy.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand one hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

Commis-  
sion in  
lunacy  
may bring  
action to  
enforce  
payment  
of certain  
costs.

2197. The commission may in its own name bring an action to enforce payment for the cost of determining the insanity of any person and securing his admission into a state hospital when his estate or any person is liable for the same, or to recover for the use and benefit of any state hospital or for the state the amount due for the care, support, maintenance and expenses of any patient or inmate therein, against any county, person, guardian or relative liable for such care, support, maintenance and expenses.

#### CHAPTER CXC.

*An act to add a new section to the Penal Code, to be numbered section four hundred and ninety-nine b, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motorcycles and other vehicles.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Larceny.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered four hundred and ninety-nine b, to read as follows:

499b. Any person who shall, without the permission of the owner thereof, take any automobile, bicycle, motoreycle, or other vehicle, for the purpose of temporarily using or operating the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Taking motor vehicle, bicycle, etc., temporarily, a misdemeanor.

## CHAPTER CXCI.

*An act. An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the state, or the political divisions thereof.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be the duty of the state board of examiners, within six months after the passage of this act, to arrange, so far as may be practical, for an exchange of surplus products, either manufactured or natural, between the several public institutions owned or managed and controlled by the state, or the political divisions thereof.

Exchange of commodities between public institutions.

SEC. 2. It shall be the duty of the state board of examiners to so distribute and arrange, with the assistance of the boards of managers, directors or trustees of the several institutions referred to in section 1 of this act, the labor and industry of their inmates that it will prove conducive to their mutual assistance, with a view of advancing the economic management of all the institutions owned or managed and controlled by the state, or the political divisions thereof; and all such surplus products shall not be sold or disposed of to any individual, corporation or association not connected with the state, or any political division thereof, so long as there shall be any demand for any such products by any public institutions owned or managed and controlled by the state, or the political divisions thereof.

Duty of state board of examiners.

Surplus products sold to state only so long as there is a demand.

SEC. 3. In estimating the value of such articles for the purpose of such exchange or sale between public institutions, the cost of producing or raising such products, with ten per cent added, shall be the sale price thereof.

Value of products.

SEC. 4. Each institution shall notify the state board of examiners what surplus products they have to dispose of, as set forth in this act, and the state board of examiners shall notify all the other institutions owned or managed and controlled by the state, or the political divisions thereof, that such articles can be procured and where, and thereupon the provisions of section 2 of this act shall become effective, and

Board of examiners to be notified of surplus products.

the state board of examiners shall allow no claims for the purchase of any products from any individual, corporation or association so long as the same might have been procured from a state institution after it had been duly notified of that fact.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

## CHAPTER CXCII.

*An act to amend sections 628, 629 and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections to be numbered respectively 628a, 628b, 628c, 628d, and 632a, all relating to the protection and preservation of fish.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 628 of the Penal Code of the State of California is amended to read as follows:

Protection and preservation of fish; close season. Lobster or crawfish.	628. Every person who, between the first day of April and the fifteenth day of September of each year, buys, sells, takes, catches, kills or has in his possession, any lobster or crawfish; or who at any time has in his possession any lobster or crawfish of less than nine and one-half inches in length, measured from one extremity to the other, exclusive of legs, claws or feelers; or who, at any time, offers for shipment, ships, or receives for shipment or transportation, from the State of California to any place in any other state, territory,
Shrimp.	or foreign country, any dried shrimp or shrimp shells; or who, between the first day of September and the first day of November of each year, buys, sells, takes, catches, kills, or has in his possession, any crab; or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any sturgeon, or any female crab, or any crab which shall measure less than six inches across the back, or any abalones or abalone shells of the kind known to commerce as the black abalone ( <i>Haliotis californica</i> ), the shell of which shall measure less than twelve inches around the outer edge of the shell, or any other abalone shells, or abalones, the shell of which shall measure less than fifteen inches around the outer edge of the shell, is guilty of a misdemeanor.
Crab.	
Sturgeon or crab.	
Black abalones.	
Other abalones.	
Penalty.	

SEC. 2. A new section is hereby added to the Penal Code of California, to be numbered 628a, and to read as follows:

Striped bass.	628a. Every person who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any striped bass of less than three pounds in weight, is guilty of a misdemeanor.
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SEC. 3. A new section is hereby added to the Penal Code of California, to be numbered 628*b*, and to read as follows:

628*b*. Every person who, between the first day of January and the first day of June of each year, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any black bass; or who, at any time, except with hook and line, takes, catches or kills any black bass, is guilty of a misdemeanor. Black bass.

SEC. 4. A new section is hereby added to the Penal Code of California, to be numbered 628*c*, and to read as follows:

628*c*. Every person who, by seine or other means, catches the young fish of any species and does not immediately return the same to the water alive, or who buys, sells or offers for sale, or has in his possession, any such fish, whether fresh or dried; or who catches, takes, kills, or carries away any fish from any pond or reservoir belonging to, or controlled by, the board of fish commissioners, or any person or corporation, without the consent of the owners thereof, which pond or reservoir has been stocked with fish; or who, except with hook and line, takes, catches, or kills any kind of fish in any river or stream upon which a fish hatchery is maintained, is guilty of a misdemeanor. Nothing in this section, or elsewhere in this code contained, shall prohibit the United States fish commission and the fish commission of this state, from taking at all times such fish as they may deem necessary for scientific purposes or for purposes of propagation. Young fish of any species.

Fish in pond or reservoir belonging to state.

Penalty.

SEC. 5. A new section is hereby added to the Penal Code of California, to be numbered 628*d*, and to read as follows:

628*d*. Every person found guilty of a violation of any of the provisions of sections 628, 628*a*, 628*b*, and 628*c*, shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars, or by imprisonment in the county jail, in the county in which the conviction is had, not less than twenty nor more than one hundred and fifty days, or by both such fine and imprisonment. All fines collected for any violation of any of the provisions of said sections must be paid into the state treasury to the credit of the "Fish Commission Fund." Fine or imprisonment.

Disposition of fines.

SEC. 6. Section 629 of the Penal Code of the State of California is amended to read as follows:

629. Any person, company, or corporation, owning in whole or in part, or leasing, operating, or having in charge any mill-race, irrigating ditch, pipe, flume, or canal, taking or receiving its waters from any river, creek, stream, or lake in which fish have been placed, or may exist, shall put, or cause to be placed and maintained, over the inlet of such pipe, flume, ditch, canal, or mill-race, a screen of such construction and fineness, strength, and quality as shall prevent any such fish from entering such ditch, pipe, flume, canal, or mill-race, when required to do so by the state board of fish commissioners. Any person, company, or corpora- Screen over mill-race, pipe, etc.

Penalty. tion violating any of the provisions of this section, or who shall neglect or refuse to put up or maintain such screen, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty dollars or imprisoned in the county jail of the county in which the conviction shall be had not less than ten days, or by both such fine and imprisonment; and all fines imposed and collected for violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "Fish Commission Fund"; *provided*, that the continuance from day to day of the neglect or refusal, after notification in writing by the state board of fish commissioners, shall constitute a separate offense for each day.

Disposition  
of fines.

SEC. 7. Section 632 of the Penal Code of the State of California is amended to read as follows:

Trout. 632. Every person who, between the first day of November in any year and the first day of April of the year following, buys, sells, takes, catches, kills, or has in his possession, any variety of trout, except steelhead trout (*Salmo gairdneri*); or who, between the first day of February and the first day of April, or between the tenth day of September and the sixteenth day of October of each year, buys, sells, takes, catches, kills or has in his possession, any steelhead trout (*Salmo gairdneri*); or who between the first day of November and the first day of April of the year following, takes, kills, or catches any steelhead trout above tide water; or who, at any time, buys, sells, or offers for sale, any trout of less than one pound in weight; or who, at any time, takes, catches or kills any trout except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, trout, other than steelhead trout, the total weight of which exceeds twenty-five pounds, is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days, or be punished by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the "Fish Commission Fund." Nothing in this section prohibits the United States fish commission and the fish commission of this state from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

Steelhead  
trout.

Limit of  
catch.

Penalty.

Disposition  
of fines.

SEC. 8. A new section is hereby added to the Penal Code to be numbered 632a and to read as follows:

Shipment  
of trout.

632a. Every railroad company, steamship company, express company, transportation company, transfer company, and every other person who ships, or receives for shipment, or transportation, from any one person, during any

one calendar day, more than fifty trout, or trout, excepting steelhead trout, the total weight of which exceeds twenty-five pounds, or who transports any trout, in any quantity, unless such trout are at all times in open view, and labeled with the name and residence of the person by whom they are shipped, is guilty of a misdemeanor, and is punishable by a fine of not less than twenty dollars, or by imprisonment in the county jail in the county in which the conviction is had, not less than ten days, or by both such fine and imprisonment; and all fines imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "Fish Commission Fund."

Penalty.

Disposition of fines.

SEC. 9. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act shall take effect immediately.

### CHAPTER CXCIIL

*An act making an appropriation of five hundred dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five hundred dollars (\$500.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of repairing the assembly hall of the boys' department of said school.

Whittier State School, assembly hall for.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

### CHAPTER CXCIIV.

*An act making an appropriation of seven hundred and fifty dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of refurbishing "B" cottage, at the girls' department.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of seven hundred and fifty dollars (\$750.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not

Whittier State School, refurbishing cottage "B."

otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of refurbishing "B" cottage at the girls' department of said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

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## CHAPTER CXCIV.

*An act to amend the Penal Code of the State of California by adding thereto new sections numbered four hundred and twenty-one and four hundred and twenty-two, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code of California, to be known and numbered as section four hundred and twenty-one, and to read as follows:

National  
Guard,  
discrimi-  
nation  
against  
members  
of.

421. No association or corporation shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the National Guard of California because of his membership therein. Any person who willfully aids in enforcing any such constitution, rule, by-law, resolution, vote or regulation against any member of said National Guard of California, is guilty of a misdemeanor.

SEC. 2. The provisions of this act shall be in force and effect from and after its passage and approval.

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## CHAPTER CXCVI.

*An act to amend section eighteen hundred and eighty-three of the Political Code relating to the manner of conducting elections for issuance of bonds in school districts.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

School  
bonds,  
manner of  
conducting  
election for  
issuance of.

SECTION 1. Section eighteen hundred and eighty-three of the Political Code is hereby amended to read as follows:

1883. Such election shall be conducted in conformity to the provisions of sections one thousand five hundred and



ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, one thousand six hundred and one and one thousand eight hundred and thirty-four, except that the words to appear upon the ballots shall be "Bonds—Yes" and "Bonds—No"; and except further that persons voting at such bond elections shall put a cross (X) upon their ballots, with pencil or ink, after the words "Bonds—Yes" or "Bonds—No" (as the case may be) to indicate whether they have voted for or against the issuance of bonds.

### CHAPTER CXCVII.

*An act to amend section 1 of an act entitled "An act to amend section 1 of an act approved March 20, 1899, entitled 'An act to amend an act entitled 'An act to amend an act approved February 28, 1887, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of said act is hereby amended so as to read as follows:

Section 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the support and maintenance of the Veterans' Home of California, located at Yountville, Napa county, State of California, the sum of sixty-five thousand dollars per annum for each and every year hereafter.

Veterans'  
Home,  
support  
and main-  
tenance of.

SEC. 2. This act shall take effect and be in force on and after its passage.

## CHAPTER CXCVIII.

*An act to amend section five hundred and fifteen of the Political Code and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the superintendent of public instruction, and to fix their compensation.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and fifteen of the Political Code is hereby amended so as to read as follows:

Superintendent of public instruction; appointees and salaries.

515. The superintendent of public instruction may appoint a statistician, a clerk and stenographer, and a text-book clerk, all of whom shall be civil executive officers. The annual salary of the statistician shall be two thousand dollars. The annual salary of the clerk and stenographer shall be sixteen hundred dollars. The annual salary of the text-book clerk shall be sixteen hundred dollars. Said salaries shall be payable in the same manner as salaries of other state officers are paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CXCVIX.

*An act to amend section 3617 of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3617 of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to the definition of terms, is hereby amended to read as follows:

Definition of terms and words.

3617. Whenever the terms mentioned in this section are employed in this act, they are employed in the senses hereafter affixed to them:

First—The term "property" includes moneys, credits, bonds (except of railroad or quasi-public corporations), stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership.

Second—The term "real estate" includes:

1. The possession of, claim to, ownership of, or right to the possession of land.

2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations, growing or being on the lands of the United States, and all rights and privileges appertaining thereto.

Definition  
of terms  
and words.

3. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, when land is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.

4. Improvements.

Third—The term "improvements" includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines.

2. All fruit, nut-bearing, or ornamental trees and vines, not of natural growth, excepting fruit and nut-bearing trees under four years of age, and grape vines under three years of age.

3. Alfalfa, after the first year's planting.

Fourth—The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the term "real estate" or "improvements."

Fifth—The terms "value" and "full cash value" mean the amount at which the property would be taken in payment of a just debt from a solvent debtor.

Sixth—The term "credits" means those solvent debts, not secured by mortgage or trust deed, owing to the person, firm, corporation, or association assessed. The term "debt" means those unsecured liabilities owing by the person, firm, corporation, or association assessed to bona fide residents of this state, or firms, associations or corporations doing business therein; but credits, claims, debts, and demands due, owing or accruing for or on account of money deposited with savings and loan corporations, shall, for the purpose of taxation, be deemed and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof.

## CHAPTER CC.

*An act making an appropriation for searching for beneficial insects.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is appropriated out of any money not otherwise appropriated the sum of twelve thousand (\$12,000) dollars to be used by the state horticultural commission in searching for beneficial insects.

Horticultural  
commission to  
search for  
beneficial  
insects.

SEC. 2. The controller is hereby authorized to draw warrants from time to time as the investigation progresses in favor of said commission.

SEC. 3. The money hereby appropriated shall be expended under the direction of said commission but all requisitions shall be audited and allowed by the state board of examiners before payment.

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## CHAPTER CCI.

*An act to amend section 1255 of the Political Code of the State of California, relating to ballots voted at elections.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and fifty-five of the Political Code is hereby amended to read as follows:

Ballots,  
destruction  
of  
number in  
excess of  
names on  
lists.

1255. The ballots must be immediately replaced in the box, and if the ballots in the box exceed in number the names on the lists, one of the judges must publicly, and without looking into the box, draw out therefrom singly, and destroy, unopened, a number of ballots equal to such excess; and the board of election must make a record, upon the poll list, of the number of ballots so drawn and destroyed.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CCII.

*An act to amend section 1264 of the Political Code of the State of California, relating to election returns.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and sixty-four of the Political Code of the State of California, is hereby amended so as to read as follows:

Election  
returns,  
delivery of  
to county  
clerks.

1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the county clerk, nearest postmaster, or sworn express agent, who shall endorse on such packages the name of the party delivering them, and date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the city and

county of San Francisco, such packages must be delivered to the registrar of voters within three hours from the time of adjournment of the board, which time of adjournment must be endorsed upon such package, and upon each poll list, in ink, and signed by a majority of the members of such board. In the city and county of San Francisco the packages must be put up and sealed in the following manner, by an inspector, and at least three other members of the board, and be signed with their respective signatures across (flap) the same written. One package to contain the voted ballots only; one package to contain one poll and tally list only; one package to contain the precinct registers, index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots.

In San Francisco to registrar of voters.

How sealed and by whom.

Packages. what to contain.

SEC. 2. This act shall take effect immediately.

### CHAPTER CCIII.

*An act to amend section eleven hundred and forty-nine of the Political Code of the State of California, relating to the posting of precinct registers.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and forty-nine of the Political Code of the State of California, is hereby amended so as to read as follows:

1149. Before opening the polls, the board must post, in some separate, convenient places, easy of access, not less than four printed copies of the precinct registers, as last printed.

Posting of precinct registers.

SEC. 2. This act shall take effect immediately.

### CHAPTER CCIV.

*An act making an appropriation of ten thousand (\$10,000) dollars for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the controller and treasurer in relation thereto.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of ten thousand (\$10,000) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the regents of the University of California for the establishment at the

Lick Observatory, light and power plant for.

Lick Observatory in Santa Clara county, State of California, of a light and power plant.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the same, payable to the order of the regents of the University of California, and the treasurer of the state is hereby directed to pay said warrant.

SEC. 3. This act shall take effect and be in force from and after its passage.

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#### CHAPTER CCV.

*An act making an appropriation for traveling and contingent expenses of the department of highways for the remainder of the fifty-sixth fiscal year.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Depart-  
ment of  
highways,  
contingent  
expenses  
fifty-sixth  
fiscal year.

SECTION 1. The sum of ninety dollars (\$90.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for traveling and contingent expenses of the department of highways for the remainder of the fifty-sixth fiscal year.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the above amount in favor of Nathaniel Ellery, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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#### CHAPTER CCVI.

*An act making an appropriation to pay the claim of W. W. Kaye, against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim  
of W. W.  
Kaye.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of the money in the treasury not otherwise appropriated to pay the claim of W. W. Kaye, against the State of California. The controller is hereby directed to draw his warrant in favor of W. W. Kaye for the sum of five hundred dollars, and the treasurer is hereby directed to pay the same, and the direction herein contained is hereby exempted from the provisions of section 672 of the Political Code of the State of California.

SEC. 2. This act shall take effect July 1, 1905.

## CHAPTER CCVII.

*An act making an appropriation to pay the claim of W. F. Gormley against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred and fifty dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of W. F. Gormley against the State of California. Claim of W. F. Gormley.

SEC. 2. The state controller is hereby authorized and instructed to draw his warrant in favor of said W. F. Gormley for the sum of one hundred and fifty dollars, and the state treasurer is hereby authorized and instructed to pay the same, and the direction herein is hereby exempt from the operation of the provisions of section 672 of the Political Code.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCVIII.

*An act making an appropriation of six hundred and seventy-five dollars (\$675.00), to pay for postage, expressage and telegraphing, secretary of state's office, for the balance of the fifty-sixth fiscal year.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six hundred and seventy-five dollars (\$675.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for postage, expressage and telegraphing, secretary of state's office, for the balance of the fifty-sixth fiscal year. Secretary of state, postage, expressage, etc., fifty-sixth fiscal year.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCIX.

*An act making an appropriation to the board of directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against the said society.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State Agricultural Society, claims and demands against.

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid by the State of California to the board of directors of the California State Agricultural Society, for the purpose of paying and discharging the indebtedness, claims and demands that have accrued against the said society.

SEC. 2. All claims shall first be approved by the board of directors of the said California State Agricultural Society and by the state board of examiners before being paid.

Deed to the state to certain real estate.

SEC. 3. No moneys shall be paid out, pursuant to the terms of this act, until the said board of directors of the California State Agricultural Society shall make, execute and deliver to the State of California a deed conveying all its right, title and interest in and to all the real estate owned by said society, or in which it claims any right, title or interest. The said deed shall be deposited with the secretary of state. If, before the passage of this act, the said California State Agricultural Society shall have made such deed, the same shall be considered a compliance with this condition.

Deed deposited with secretary of state.

SEC. 4. The state controller is hereby directed to draw his warrant for the sum herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 5. The appropriation made by this act shall be in addition to any appropriation heretofore made for a like purpose.

SEC. 6. This act shall take effect and be in force from and after the first day of July, 1905.



## CHAPTER CCX.

*An act to amend an act entitled: "An act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against said society," approved March 25th, 1901.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of an act entitled: "An act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against said society," approved March 25th, 1901, is hereby amended so as to read as follows:

State Agricultural Society, claims and demands against

Section 3. No money shall be paid out, pursuant to the terms of this act, until the said board of directors of the California State Agricultural Society shall make, execute and deliver to the State of California a deed conveying all its right, title and interest in and to all real estate owned by said society, or in which it claims any right, title or interest. Said deed shall embrace all the property owned by the said society at the time of the passage of this act, and said deed shall be deposited with the secretary of state. If before the passage of this act the said California State Agricultural Society shall have made such deed the same shall be considered a compliance with the conditions and terms of this act.

Deed conveying certain real estate to state.

Deed deposited with secretary of state.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force immediately from and after its passage.

## CHAPTER CCXI.

*An act to amend section 791 of the Political Code, relating to the number of notaries public.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 791 of the Political Code is hereby amended to read as follows:

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of this state as he shall deem necessary for the public convenience, except that in cities and counties of the first class the number shall not exceed eighty.

Notaries public, number governor may commission.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXII.

*An act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the state printing office and bindery, and specifying the duties of the superintendent of state printing, board of examiners, state controller, and state treasurer in relation thereto.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State printing office.

Purchase of new machinery, etc.

SECTION 1. The sum of thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of improved printing and binding material and machinery, and improvements for the state printing office and bindery, and for installing the same.

SEC. 2. The superintendent of state printing, by and with the consent of the governor, shall purchase such material and machinery and improvements as he considers necessary, and shall file all bills for payment for same with the state board of examiners for approval, as provided in section six hundred and seventy-two of the Political Code.

SEC. 3. The state controller is hereby directed to draw his warrant for this amount and the state treasurer to pay the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CCXIII.

*An act to amend sections 2570, 2571 and 2572 of the Political Code of California, relating to the board of harbor commissioners of the port of Eureka on Humboldt bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Port of Eureka.

Harbormaster.

SECTION 1. Section 2570 of the Political Code is hereby amended so as to read as follows:

2570. A harbormaster of the port of Eureka, which office is hereby created, shall be appointed by the governor of this state on or before the first day of April eighteen hundred and ninety-nine (1899), and shall hold office for the term

of four years from and after the date of his appointment, and until his successor is appointed and qualified. It shall be the duty of the harbor-master to collect, from day to day, all data necessary to enable the secretary of the board of harbor commissioners to compile the reports mentioned in section 2571 of this code. He must enforce and carry into effect such rules and regulations as the board of harbor commissioners may from time to time adopt. The harbor-master may be removed from office by the governor of this state upon the recommendation of the full board of harbor commissioners upon and after due investigation by said board for cause affecting his official character or competency, or the failure or want of ability to perform his official duties or for the violation of any law relating to his duties or office. A full report of such cause or causes shall be certified to the governor by said board, and spread upon the minutes of the meeting thereof whereat such investigation and order were made. If any master, agent, or owner of any water craft shall refuse or neglect to obey the lawful orders or directions of the harbor-master in any matter pertaining to the regulations of said harbor, such master, agent, or owner so refusing or neglecting is guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed six months in the county jail of the county of Humboldt.

SEC. 2. Section 2571 of the Political Code of California is hereby amended so as to read as follows:

2571. The board of harbor commissioners shall within thirty days after the passage of this act appoint a competent person who shall be known as the secretary of the board of harbor commissioners of the port of Eureka, who shall hold office for the term of four years from the date of his appointment, or until his successor is appointed. It shall be the duty of such secretary to keep the office of the board of harbor commissioners open from 9 A. M. until 5 P. M. on all days except legal holidays. He shall safely keep and be responsible for all the books, papers, and records of the board, attend all of their meetings, keep a correct record of their proceedings, with the names of the commissioners present thereat and keep a full and correct record of all steam and sailing vessels entering and arriving or clearing and departing to and from Humboldt bay, with a complete detailed record of their cargoes, with the port to which they sail or from which they have sailed, and he shall make reports monthly thereof in tabulated form and record the same in the records of the office, and make such other reports as directed by the board. He shall semi-annually cause to be printed such reports and shall for that purpose advertise for sealed bids for printing the same which bids shall be opened only in the presence of the whole board and such printing shall be awarded by said board to the lowest responsible bidder therefor. He shall

Appointment and term.  
Duty.

Removal of.

Report of causes for removal.

Refusal or neglect to obey orders of harbor-master.

Penalty.

Secretary of board of harbor commissioners, appointment and term.

Duty of secretary.

have no authority nor shall the said board have authority to direct the secretary to print other matter in or upon his reports, or otherwise, except what may be necessary in the performance of any duty imposed by law upon said board, and any printing authorized by said board or said secretary other than as herein provided shall be and is hereby declared to be illegal, and shall not be a charge against the county of Humboldt or the city of Eureka. Such secretary may be removed from office by the governor of this state upon the recommendation of the full board of harbor commissioners upon and after due investigation by said board for cause affecting his official character or competency, or the failure or wants of ability to perform his official duties or for the violation of any law relating to his duties or office. A full report of such cause or causes shall be certified to the governor by said board, and spread upon the minutes of the meeting thereof whereat such investigation and order were made.

Removal of  
secretary.

Report of  
causes for  
removal.

SEC. 3. Section 2572 of the Political Code is hereby amended so as to read as follows:

Harbor  
commis-  
sioners,  
salary of.

Salary of  
secretary.

Salary of  
harbor-  
master.

Civil  
engineer,  
fee or  
salary of.

Salaries  
and  
expenses a  
charge  
against  
county.

2572. The commissioners of the board of harbor commissioners of the port of Eureka shall each receive a salary of four hundred dollars per annum. The secretary shall receive a salary of one thousand dollars per annum. The harbormaster shall receive a salary of one thousand dollars per annum. The board may secure the services of a competent civil engineer at such times as in their opinion they deem it necessary. The fees or salary of such engineer not to exceed ten dollars (\$10) per day for each day actually employed. Nothing herein contained shall be construed as creating the office of engineer, nor shall his employment extend beyond the particular service for which he was employed. All salaries of said commission and its officers herein named are to be paid out of the treasury of Humboldt county at the same time and in the same manner as the salaries of the county officers are paid and all expenses of said commission necessarily incurred are to be paid from said treasury in the same manner that claims against said county are paid.

SEC. 4. All acts or parts of acts conflicting with this act are hereby repealed.

## CHAPTER CCXIV.

*An act making an appropriation for the erection and construction of additional cells at the state prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the state prison at San Quentin and for other expenses incidental and relating thereto.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three hundred and ten thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the state board of prison directors, and to be expended for the objects hereinafter specified: For the erection and construction of additional cells at the state prison at San Quentin, the purchase of the necessary powder and tools for excavating, the erection of a machine shop, the installation of a pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the installation of electrical apparatus, and other expenses immediately appertaining to the carrying out of this act.

State prison at San Quentin, construction of additional cells, etc.

SEC. 2. Of the appropriation made by this act, the sum of thirty thousand dollars shall not be payable or available until the first day of July, 1905; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1906; the sum of thirty-five thousand dollars shall not be payable or available until the first day of July, 1906; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1907; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1907; the sum of thirty-five thousand dollars shall not be payable or available until the first day of January, 1908; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1908; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1909; and the sum of forty thousand dollars shall not be payable or available until the first day of July, 1909. The state controller is hereby ordered and directed to draw the necessary warrants therefor, and the state treasurer is hereby directed to pay the same.

Appropriation, when available.

SEC. 3. No contract for lumber, iron, machinery or material, to be used for the purposes mentioned in section one of this act, shall be entered into by the directors until publication shall be made in at least three daily newspapers, two of said newspapers to be published in the city and county of San

Publication inviting bids.

Francisco, State of California, and one in the city of Sacramento, State of California, for at least twenty days prior thereto, inviting bids for the supplying of such material. Such bids may be in the form of sealed proposals, and shall be opened at a public meeting of the board of directors, and the contract shall be awarded to the lowest responsible bidder for the supplying of such material; *provided* the state board of prison directors shall have the power to reject any or all bids for cause. The board of prison directors shall have power to enter into the necessary contracts for the purchase of any and all material to carry out the provisions of this act, and to employ such men as may be necessary, in addition to the prison labor, to do the work herein specified, and are hereby authorized and empowered to cut all the necessary rock and granite at the state prison at Folsom, California, required for any of the purposes aforesaid.

Power to  
reject bids.

Folsom  
rock and  
granite  
to be used.

Contracts,  
how en-  
tered into.

SEC. 4. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the state board of prison directors, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved, and it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned. All bills shall first be audited by the said state board of prison directors, and approved by the state board of examiners, before being paid.

Bills to be  
audited  
and  
approved.

SEC. 5. This act shall be exempt from the provisions of an act approved March 23, 1896, relating to contracts.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force immediately from and after its passage.

#### CHAPTER CCXV.

*An act making an appropriation for the arrest of criminals without the limits of the state, for the fifty-fourth, fifty-fifth and fifty-sixth fiscal years.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Arrest of  
criminals,  
appropriation for.

SECTION 1. The sum of six thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for the arrest of criminals without the limits of the state, for the fifty-fourth, fifty-fifth and fifty-sixth fiscal years.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXVI.

*An act to amend an act entitled "An act to establish a Civil Code" approved March 21st, 1872, by amending section one hundred thirty-seven of said Civil Code relative to expense of actions, alimony, and actions for maintenance and support.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and thirty-seven of the Civil Code is hereby amended so as to read as follows: Divorce.

137. When an action for divorce is pending, the court may, in its discretion, require the husband to pay as alimony any money necessary to enable the wife to support herself and her children, or to prosecute or defend the action. When the wife has any cause of action for divorce as provided in section ninety-two of this code, she may, without applying for a divorce, maintain in the superior court an action against him for permanent support and maintenance of herself or of herself and children. During the pendency of such action the court may, in its discretion, require the husband to pay as alimony any money necessary for the prosecution of the action and for support and maintenance, and execution may issue therefor in the discretion of the court. The final judgment in such action may be enforced by the court by such order or orders as in its discretion it may from time to time deem necessary, and such order or orders may be varied, altered, or revoked at the discretion of the court. Alimony to be paid while action is pending.  
Cause of action for divorce a ground for action for support.  
Husband to pay for prosecution and support, pending final judgment.

SEC. 2. This act shall take effect and be in force immediately upon its passage and approval.

## CHAPTER CCXVII.

*An act to amend section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and seventy-one of the Civil Code is hereby amended to read as follows:

Separate property of wife liable for own debts and for necessaries of life.

171. The separate property of the wife is liable for her own debts contracted before or after her marriage, but is not liable for her husbands debts; *provided*, that such property is liable for the payment of debts contracted by the husband or wife for the necessaries of life furnished to them or either of them while they are living together. *Provided* that the provisions of this act shall not apply to the separate property of the wife held by her at the time of her marriage or acquired by her by devise or succession after marriage.

## CHAPTER CCXVIII.

*An act to appropriate four hundred and ten dollars to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the superior court of the county of Sacramento.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of L. C. Waite.

SECTION 1. The sum of four hundred and ten dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered nine thousand six hundred and twelve upon the register of the superior court of the county of Sacramento.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of L. C. Waite for the said sum of four hundred and ten dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.



## CHAPTER CCXIX.

*An act to appropriate \$12,245.00 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs: The State of California," numbered 9608 upon the register of the superior court of the county of Sacramento.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twelve thousand two hundred and forty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered nine thousand six hundred and eight upon the register of the superior court of the county of Sacramento.

Claim of  
Charles  
Bicker-  
dike.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Charles Bickerdike for the said sum of twelve thousand two hundred and forty-five dollars, and the state treasurer is hereby directed to pay the same.

This act shall take effect January 1, 1906.

## CHAPTER CCXX.

*An act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-three hundred ten and eleven-hundredths (\$2,310.11) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for bituminous pavement fronting on the westerly line of Telegraph avenue, Oakland, California, commencing at the point of intersection of the said line of Telegraph avenue with the northerly line of 36th street and extending northerly along the said westerly line of Telegraph avenue a distance of three

Home for  
Adult  
Blind,  
appropria-  
tion for  
bitumin-  
ous pave-  
ment.

hundred fifty-nine feet. Being the frontage to the state property known as the Industrial Home of Mechanical Trades for the Adult Blind.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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## CHAPTER CCXXI.

*An act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the 55th and 56th fiscal years.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Home for  
Adult  
Blind, defi-  
ciency for  
support of.

SECTION 1. The sum of twenty-seven hundred forty-two and seventy-four hundredths (\$2,742.74) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the 55th and 56th fiscal years.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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## CHAPTER CCXXII.

*An act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justice's courts, and providing that several writs may be issued at the same time to the sheriffs of counties other than the one in which said justice's court may be situated.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and sixty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Attach-  
ment, writ  
of, to whom  
directed.

868. The writ may be directed to the sheriff or any constable of the county in which such justice court is situate, and must require him to attach and safely keep all the prop-

erty of the defendant within his county, not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which must be stated in conformity with the complaint, unless the defendant give him security, by the undertaking of two sufficient sureties, in an amount sufficient to satisfy such demand, besides costs; in which case, to take such undertaking. Several writs may be issued at the same time to the sheriffs of different counties; *provided*, that where a writ of attachment issued by a justice of the peace is to be served out of the county in which it was issued, the writ of attachment shall have attached to it a certificate under seal, by the county clerk of such county, to the effect that the person issuing the same was an acting justice of the peace of said county, at the date of the writ.

Officer may take an undertaking.

Several writs may be issued.

Certificate of official character of justice.

### CHAPTER CCXXIII.

*An act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the state board of health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the state controller and state treasurer in relation thereto.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be established and maintained at the University of California at Berkeley, for the use of the state board of health, a state hygienic laboratory for bacteriological and chemical analyses, which shall be under the management of the state board of health.

Hygienic laboratory, state board of health to manage.

SEC. 2. The regents of the University of California shall from the money hereby appropriated, purchase suitable equipments, apparatus, chemicals and supplies for the maintenance of such laboratory in the existing laboratories of the University of California at Berkeley.

Apparatus, etc., how purchased.

SEC. 3. The regents of the University of California shall appoint a director of said laboratory from the existing instructing staff of the university. Said director shall be a skilled bacteriologist and chemist and shall have general supervision of the performance of all duties required by the state board of health. The regents of the University of California shall appoint one or more assistants, whose time shall be exclusively devoted to the work designated by the state board of health, under the supervision of the director of the laboratory.

Director of laboratory, qualifications.

Appointment of assistants.

SEC. 4. The sum of four thousand dollars (\$4,000) is hereby appropriated out of any money in the state treasury

Appropriation.

not otherwise appropriated, for salaries and for the purchase of equipment, apparatus, chemicals and supplies for the maintenance of said laboratory, and of the office expenses in connection with the same. Of the amount herein appropriated, the sum of two thousand dollars (\$2,000) shall be available during the fiscal year nineteen hundred and five and nineteen hundred and six; and two thousand dollars (\$2,000) during the fiscal year nineteen hundred and six and nineteen hundred and seven.

SEC. 5. The state controller is hereby authorized to draw his warrants, for the sums herein appropriated, in favor of the treasurer of the regents of the University of California, and the state treasurer is hereby directed to pay the same.

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#### CHAPTER CCXXIV.

*An act to repeal an act entitled "An act to provide for the appointment of a deputy supreme court reporter, and to regulate his compensation," approved February 26, 1881.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Deputy  
supreme  
court  
reporter.  
Act  
repealed.

SECTION 1. An act entitled "An act to provide for the appointment of a deputy supreme court reporter, and to regulate his compensation," approved February 26, 1881, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after the first day of July, 1905.

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#### CHAPTER CCXXV.

*An act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Home for  
Adult  
Blind;  
sewer as-  
sessments.

SECTION 1. The sum of eight hundred fifty-five and eighteen one-hundredths dollars (\$855.18) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay sewer assessments on 625 feet frontage on Thirty-sixth street and 359 feet frontage on Telegraph avenue, Oakland, California, said frontage being the state property

known as the Industrial Home of Mechanical Trades for the Adult Blind.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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#### CHAPTER CCXXVI.

*An act making an appropriation of five hundred dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Whittier  
State  
School,  
type and  
printing  
material  
for.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

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#### CHAPTER CCXXVII.

*An act making an appropriation of two thousand dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended

Whittier  
State  
School,  
reservoir  
for.

for the purpose of constructing a reservoir to be used in storing the water supply of said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

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#### CHAPTER CCXXVIII.

*An act making an appropriation of two hundred and fifty dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Whittier  
State  
School,  
new books  
for library.

SECTION 1. The sum of two hundred and fifty dollars (\$250.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of purchasing new books for the library of said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

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#### CHAPTER CCXXIX.

*An act to amend the Political Code by adding a new section thereto to be numbered ten hundred thirty-three, relating to compensation of state officers.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section numbered ten hundred thirty-three, to read as follows:

State  
officers to  
receive no  
fee in per-  
formance  
of official  
duty.

1033. The salaries fixed by law for all state officers, elective or appointive, shall be compensation in full for all services rendered in any official capacity or employment what-

soever, during their terms of office, and no such officer shall receive for his own use any fee or perquisite for the performance of any official duty.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXXX.

*An act to amend section 1204 of the Political Code of the State of California, relating to election tickets and ballots and the manner of voting.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1204 of the Political Code of the State of California is hereby amended so as to read as follows:

1204. Any person desiring to vote shall write his name and address (or if he be unable to write, shall have the same written for him) on a roster of voters provided for that purpose and announce the same to one of the ballot clerks who shall then in an audible tone of voice announce the same and if the other ballot clerk finds the name on the register, he shall in like manner repeat the name and address, whereupon a challenge may be interposed as provided in section 1230 of this code. In all cases except in those where the name and address of the voter is written on the roster of voters for him, as above provided, it shall be the duty of the ballot clerk, in the presence and view of the bystanders, to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the challenges be overruled, the ballot clerk shall give the voter a ticket and the clerk shall write on the register opposite the name of the voter the number of the general ticket given him and also the number of the municipal ticket given him when any city, city and county or town officer is to be elected and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The ballot clerk shall give him but one general ticket and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of the ballot clerk whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted.

Election, manner of voting at.  
Name to be written on roster.

Challenge may be interposed.

Writing on roster to be compared with writing on register.

Duty of ballot clerk.

Instruction to voter.

## CHAPTER CCXXXI.

*An act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the governor in the month of July, 1903.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claims  
against  
National  
Guard.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifteen hundred and eighty and forty-seven one-hundredths dollars (\$1,580.47), to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the governor in the month of July, 1903. Said claims shall be audited by the board of military auditors before being paid.

SEC. 2. The controller is hereby directed to draw his warrant in payment of said claims in favor of the person or persons designated by said board of military auditors, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXXXII.

*An act to appropriate \$9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Normal  
school at  
Los  
Angeles,  
additional  
furniture  
and  
repairs.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of nine thousand dollars, to be paid on the order of the board of trustees of the State Normal School at Los Angeles for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles and to make necessary repairs and improvements in said state normal school. Of which sum four thousand dollars shall be appropriated and paid out for the purchase of additional furniture and equipment; and five thousand dollars is appropriated for repairs and improvements in the building.



## CHAPTER CCXXXIII.

*An act making an appropriation to pay the claim of Messrs. Daugherty & Lacey against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three hundred dollars (\$300.00) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of Messrs. Daugherty & Lacey against the State of California. Claim of Daugherty & Lacey.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of Daugherty & Lacey for the sum of three hundred dollars and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant is hereby exempted from the provisions of section six hundred seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXXXIV.

*An act to appropriate the sum of thirty-five hundred dollars to pay the claim of E. J. Card, and directing the state controller to draw his warrant for the same, and the state treasurer to pay the same.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand five hundred dollars, to pay the claim of E. J. Card, who was permanently injured while on duty in the state militia. Claim of E. J. Card.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said E. J. Card for said sum of two thousand five hundred dollars; and the state treasurer is hereby authorized and directed to pay the same.

## CHAPTER CCXXXV.

*An act to add a new section to the Code of Civil Procedure to be known as section sixteen hundred and thirty-nine, relating to the settlement of the accounts of an executor or administrator after his death.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section sixteen hundred and thirty-nine, and to read as follows:

Executors  
or admin-  
istrators,  
in case of  
death of,  
personal  
representative  
to present  
account.

1639. If any executor or administrator dies, his accounts may be presented by his personal representatives to, and settled by, the court in which the estate of which he was executor or administrator is being administered, and, upon petition of the successor of such deceased executor or administrator, such court may compel the personal representatives of such deceased executor or administrator to render an account of the administration of their testator or intestate, and must settle such account as in other cases.

## CHAPTER CCXXXVI.

*An act making an appropriation to pay the claim of Fred E. Borton against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
Fred E.  
Borton.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of Fred E. Borton against the State of California.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of Fred E. Borton, or his assigns, in the sum of five hundred dollars, and the state treasurer is hereby directed to pay the same, and this claim and warrant ordered is hereby exempted from the provisions of section 672 of the Political Code.

SEC. 3. This act shall take effect July 1, 1905.

## CHAPTER CCXXXVII.

*An act appropriating money to pay the claim of A. S. Bosquit against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of sixteen hundred twenty dollars and fifty cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of A. S. Bosquit against the State of California.

Claim of  
A. S.  
Bosquit.

SEC. 2. The controller is hereby directed to draw his warrant on the state treasurer for the amount and in favor of the person named in section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXXXVIII.

*An act making an appropriation of six hundred and seventy-five dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six hundred and seventy-five dollars (\$675.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Whittier  
State  
School,  
purchase  
of team,  
mowing  
machine,  
and scales.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

## CHAPTER CCXXXIX.

*An act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-nine, making it a felony to kill any elk within the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered section five hundred and ninety-nine, the same to read as follows:

Elk, killing of a felony.

599. Every person who willfully kills any elk within this state is guilty of a felony and punishable by imprisonment in the state prison for a term not exceeding two years.

SEC. 2. This act shall take effect and be in force from and after the 1st day of July, 1905.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

## CHAPTER CCXL.

*An act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Preston School, purchase of bedding and furniture for.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand and five hundred dollars, to be used by the trustees of the Preston School of Industry, for the purchase of bedding and furniture and for repairs for the use of said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect July 1st, 1905.

## CHAPTER CCXLI.

*An act to appropriate eight hundred and fifteen dollars to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the superior court of the county of Sacramento.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of eight hundred and fifteen dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered nine thousand six hundred and nine upon the register of the superior court of the county of Sacramento.

Claim of  
C. A.  
Weaver.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said C. A. Weaver for the said sum of eight hundred and fifteen dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

## CHAPTER CCXLII.

*An act to appropriate two thousand and eighty-five dollars to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the superior court of the county of Sacramento.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two thousand and eighty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered nine thousand six hundred and

Claim of E.  
Weisbaum.

fifteen upon the register of the superior court of the county of Sacramento.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said E. Weisbaum for the said sum of two thousand and eighty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

#### CHAPTER CCXLIII.

*An act to amend section 767 of the Political Code relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the supreme court and of the district courts of appeal.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 767 of the Political Code is hereby amended to read as follows:

Supreme court and district courts of appeal, appointment of reporter of decisions of, and assistants.

767. The reporter of the decisions of the supreme court and of the district courts of appeal, and not more than three assistant reporters thereof, shall each be appointed by the supreme court, and shall each hold office and be removable at the pleasure of the supreme court.

#### CHAPTER CCXLIV.

*An act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four thousand one hundred and seventy dollars and forty-seven cents is hereby appropriated to pay the deficiency in the appropriation of the support fund, occasioned by the burning of the trades building at the Preston School of Industry.

Preston School, deficiency in support fund.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

## CHAPTER CCXLV.

*An act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for rebuilding and refitting the trades building at the Preston School of Industry. Preston School, rebuilding trades building.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the said board of trustees of the Preston School of Industry, for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay same out of said appropriation.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive a sanction of a majority of the board of trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of the act of the legislature approved March 23d, 1876, relating to erections and buildings. All bills for improvements, repairs and constructions shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid. Plans, specifications, etc., sanction of majority of board of trustees necessary. Bills audited and approved.

SEC. 4. This act shall take effect on and after July 1st, 1905.

## CHAPTER CCXLVI.

*An act to amend section one thousand three hundred and sixty-eight of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand three hundred and sixty-eight of the Penal Code is hereby amended to read as follows:

Doubt as to  
sanity of  
defendant.

Examina-  
tion of, be-  
fore jury.

Stay of pro-  
ceedings.

1368. If at any time during the pendency of an action up to and including the time when defendant is brought up for judgment on conviction a doubt arises as to the sanity of the defendant, the court must order the question as to his sanity to be submitted to a jury; and the trial or the pronouncing of the judgment must be suspended until the question is determined by their verdict, and the trial jury may be discharged or retained, according to the discretion of the court, during the pendency of the issue of insanity.

## CHAPTER CCXLVII.

*An act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the superior court of El Dorado county, March 11th, 1903, for and on account of claims for bounty on coyote scalps.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
Abe Dar-  
lington.

SECTION 1. The sum of one hundred and sixty-five dollars (\$165.) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the judgment recovered by Abe Darlington against the state, March eleventh, nineteen hundred and three, in the action in the superior court of El Dorado county, wherein said Abe Darlington was plaintiff and the State of California, defendant; which action was brought and prosecuted to final judgment under the authority conferred by an act of the legislature entitled "An act authorizing suits against the state on claims and demands, arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March thirty-first, eighteen hundred and ninety-one, and regulating the pro-



cedure therein," approved March twenty-third, nineteen hundred and one; and the said judgment wherein was for the amount actually found due to the plaintiff, without interest or costs; and which said judgment is standing not reversed or vacated, and from which no appeal is pending.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment, properly executed by the said Abe Darlington judgment creditor herein, or said judgment creditor's successor in interest, the controller is hereby authorized and directed to draw his warrant upon the treasurer in favor of Abe Darlington, or his assigns, for the amount of said judgment, to wit: the sum of \$165.00, and the treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

#### CHAPTER CCXLVIII.

*An act to amend section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal an act entitled an act imposing certain duties upon the governor of the state, approved April 3, 1876.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1547 of the Penal Code is hereby amended to read as follows:

1547. The governor may offer a reward not exceeding one thousand dollars (\$1000.) payable out of the general fund, for the apprehension—

Rewards for the apprehension of fugitives from justice.

1. Of any convict who has escaped from the state's prison;

2. Of any person who has committed, or is charged with the commission of an offense punishable with death;

3. For the arrest of each person engaged in the robbery of, or any attempt to rob any person or persons upon or having in charge in whole or in part any stage coach, wagon, railroad train or other conveyance engaged at the time in carrying passengers or any private conveyance within this state.

The reward to be paid to the person or persons making the arrest, immediately upon the conviction of the person or persons so arrested. An act entitled an act imposing certain duties upon the governor of the state, approved April 3, 1876, is hereby repealed.

Repeal of act of 1876.

## CHAPTER CCXLIX.

*An act to amend an act entitled "An act to establish a Political Code," approved March 12th, 1872, by amending section seven hundred and thirty-six of said act, relative to the salary of justices of the supreme court.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and thirty-six of the Political Code of the State of California is hereby amended so as to read as follows:

Justices of  
supreme  
court and  
district  
courts of  
appeal,  
salaries of.

736. The annual salary of each justice of the supreme court is eight thousand dollars; and the annual salary of each justice of the several district courts of appeal is seven thousand dollars.

## CHAPTER CCL.

*An act making an appropriation of two hundred and fifty dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Whittier  
State  
School,  
sewing  
machines  
for.

SECTION 1. The sum of two hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of purchasing new sewing machines for use in said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

## CHAPTER CCLI.

*An act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the controller and treasurer in relation thereto.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The regents of the University of California are hereby authorized to hold institutes for the instruction of citizens of this state in the various branches of agriculture. Such institutes shall be held at such times, and at such places as said regents may direct. The said regents shall make such rules and regulations as they may deem proper for organizing and conducting such institutes, and may employ an agent or agents to perform such work in connection therewith as they deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

University of California, regents of to hold farmers' institutes.

Course of instruction.

SEC. 2. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the use of the regents of the University of California in discharging their duties, as prescribed in section one, during the two fiscal years following the passage of this act. One half of said sum, viz: six thousand dollars, shall be paid on the first day of July, nineteen hundred and five, and the remaining one half (six thousand dollars) shall be paid on the first day of July, nineteen hundred and six.

Appropriation.

SEC. 3. The controller is authorized and directed to draw his warrants for the above sums, payable to the order of the treasurer of the University of California, and the treasurer of the state is directed to pay the same.

SEC. 4. This act shall be in effect from and after its passage.

## CHAPTER CCLII.

*An act to appropriate six hundred and forty dollars to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the superior court of the city and county of San Francisco.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of N.  
Weisbaum.

SECTION 1. The sum of six hundred and forty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered eighty thousand one hundred and twenty-five upon the register of the superior court of the city and county of San Francisco.

SEC. 2. Upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said N. Weisbaum for the said sum of six hundred and forty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

## CHAPTER CCLIII.

*An act to authorize the board of trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such persons.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Whittier  
State  
School;  
care of  
female  
inmates  
outside of  
school.

SECTION 1. The board of trustees of the Whittier State School are hereby authorized, and in proper cases it shall be their duty to contract for the care and keeping of any girl committed to said school with any charitable or benevolent association organized for the purpose of caring for criminal or

wayward girls, or with any woman of good moral character, and to place such girl in the care and keeping of such institution or woman, and to pay therefor out of the support fund of said school such sum as may be agreed upon, but in no case to exceed the sum of fifteen dollars per month, including board and clothing, for the actual time such girl is in the care and keeping of such institution or woman.

Expense  
paid by  
trustees.

SEC. 2. The board of trustees of said school may recall and take back any girl so placed in the care and keeping of any institution or woman, when in their judgment it is for the interest of such girl to do so, and shall take back such girl whenever requested to do so by the institution or woman in whose care and keeping such girl has been placed.

Return of  
girl to  
school.

SEC. 3. The said board of trustees shall require the institution or woman receiving any girl from said school under this act to report to them monthly concerning the behavior and progress of said girl, and such other matters as said board may desire. And it shall be their duty further to inform themselves concerning the behavior, progress and general welfare of said girl by causing her to be visited occasionally by such officer or agent of the school as they may select.

Report of  
person or  
institution  
caring  
for girl.

SEC. 4. Nothing in this act shall be construed as affecting the power to parole and discharge which is now or may hereafter be conferred by law upon said board, but in all cases the power of parole and final discharge shall remain in said board of trustees, the same as though said girl had remained an inmate of said school.

Not to  
affect  
parole or  
discharge.

SEC. 5. Nothing in this act shall be construed as relinquishing the counties, or others liable, from the payment of such sums to the state for the cost of maintenance as is now, or may hereafter be required by law, but such sums shall be paid the same as though said girl had remained an inmate of said school.

Not to  
affect  
charge  
against  
county.

SEC. 6. This act shall take effect and be in force from and after its passage.

#### CHAPTER CCLIV.

*An act to add a new section to the Penal Code to be known as section six hundred and fifty-four a (654a) relating to the protection of the purchaser of merchandise against fraud and deception.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be known as section six hundred and fifty-four a (654a) to read as follows:

False representation as to quality or merits of goods sold or advertised.

Penalty.

654a. Any person, firm or corporation doing business in this state as a merchant, who advertises or displays any brand of goods known to the general public and quotes prices in connection therewith as an inducement to attract purchasers to the place of business so advertised, who shall make verbal or show printed or written false statements regarding the quality or merits of the goods advertised is guilty of a misdemeanor.

#### CHAPTER CCLV.

*An act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the accounts of guardians.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand seven hundred and seventy-four of the Code of Civil Procedure is hereby amended to read as follows:

Guardians, settlement of accounts of.

1774. The guardian must, upon the expiration of a year from the time of his appointment, and as often thereafter as he may be required, present his account to the court for settlement and allowance; *provided*, that no final account of any insane person who is or has been during his guardianship confined in a state hospital in this state, shall be settled or allowed unless notice of the settlement of said account shall have been first given to the secretary of the state commission in lunacy.

#### CHAPTER CCLVI.

*An act to amend section 2191 of the Political Code of the State of California, relating to the return to the country or state to which they belong of insane or incompetent persons not residents for one year of the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State hospital; commitment of person a non-resident.

Section 2191 of the Political Code of the State of California, is hereby amended to read as follows:

2191. If any order is issued by any judge committing to a state hospital a poor or indigent person who has (not been a legal resident of this state for a period of at least one

year), the commission may in its discretion return said person, either before or after his admission to the state hospital, to the country or state to which he belongs, and for such purpose may expend as much of the money appropriated for the care of the insane or incompetent as may be necessary, subject to the approval of the state board of examiners. The medical superintendent of a state hospital is required to immediately notify the commission if there is any question as to the propriety of the commitment or detention of any person received at such hospital, and said commission upon such notification shall inquire into the matter presented and take such action as may be deemed proper in the premises.

Return of  
to state or  
country  
where he  
belongs

### CHAPTER CCLVII.

*An act to establish a state hospital for the care, custody and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an act entitled "An act to provide for the erection at Folsom state prison of a building for the accommodation of insane prisoners, and making an appropriation therefor, approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this act, and making an additional appropriation of fifteen thousand dollars for certain improvements.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be established on the land belonging to the state at the Folsom state prison an institution for the care of such convict and other insane as may be hereinafter described.

State  
prison at  
Folsom;  
care of  
insane  
convicts.

SEC. 2. The said institution shall be known as the Folsom state hospital, and is hereby declared to be a corporation.

Folsom  
state  
hospital.

SEC. 3. The said state hospital shall have a board of five managers or trustees who shall be the members of the state commission in lunacy. Said trustees or managers shall be hereafter termed managers.

Commis-  
sion in  
lunacy to  
manage.

SEC. 4. The board of managers in conjunction with the board of state prison directors shall select a site for the said state hospital.

Selection  
of site.

SEC. 5. As soon as possible after the selection of a site, the said board of managers shall with the coöperation of the board of state prison directors, proceed with the erection of a building or buildings for the purposes of said hospital.

Erection of  
buildings.

Who shall be admitted.

SEC. 6. No person shall be admitted to said hospital except convicts now or hereafter confined in present state hospitals for the insane, who may be transferred directly by the state commission in lunacy; and such insane persons charged with the commission of a felony who are now or who may hereafter be confined in any of the present state hospitals for the insane and whose transfer is deemed by the state commission in lunacy to be for the best interests of said hospital and the public, who may be directly transferred by the state commission in lunacy; and such convicts as are now or may hereafter become insane in the California state prisons, who may be committed to this hospital in the manner now provided by the Penal Code for the commitment of insane convicts.

Transfer of inmates of hospitals.

Medical superintendent.

SEC. 7. As soon as the board of managers shall deem it necessary for the proper completion, furnishing and managing of said hospital, and as often thereafter as a vacancy occur, they shall appoint a medical superintendent. The medical superintendent must appoint, by and with the consent of the board of managers, such officers and employés as the board may deem necessary. The medical superintendent and other officers and employés shall receive such compensation as may be fixed by the board of managers in no case to exceed the salaries paid in other state hospitals for the insane for similar service.

Officers and employés.

Compensation.

Governed by laws relating to insane persons.

SEC. 8. Except as herein otherwise provided, and except as inconsistent or unnecessary by reason of the fact that the board of managers shall be composed of the members of the state commission in lunacy, the said state hospital and its managers and officers shall be governed by and be subject to, and the said state hospital shall possess all of the rights and be affected by all the limitations and requirements of the provisions of Chapter 1 of Title 5 of Part III of the Political Code.

Appropriation.

SEC. 9. The sum of twenty-five thousand dollars heretofore appropriated by the provisions of an act entitled "An act to provide for the erection at Folsom state prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and not expended is hereby re-appropriated and directed to be applied to the construction and furnishing of said Folsom state hospital. Said appropriation shall be as available for all the purposes of this act as if the same had been specially made therefor. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the further sum of fifteen thousand dollars, to be used for sewer, water, and light connections, and for building, furnishing, and equipping quarters for officers and employés, stable, and such other outbuildings as may become necessary.

Plans, specifications, etc., to receive sanction of majority of commission in lunacy.

SEC. 10. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the



sanction of a majority of the state commission in lunacy, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved, and it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and the appropriation made by this act is hereby exempted from the provisions of that certain act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings" approved March 23rd, 1876, and all amendments thereto. All bills shall first be audited by the board of managers, and approved by the state board of examiners, before being allowed, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned.

Bills, approval of.

SEC. 11. The controller of state is hereby authorized to draw his warrant from time to time, as the work shall progress, in favor of the said board of managers, upon their requisition for the same; and the state treasurer is hereby directed to pay the same.

SEC. 12. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

## CHAPTER CCLVIII.

*An act to amend sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 339 of the Code of Civil Procedure is hereby amended to read as follows:

339. Within two years:

1. An action upon a contract, obligation, or liability, not founded upon an instrument of writing, or founded upon an instrument of writing executed out of the state.

2. An action against a sheriff, coroner, or constable, upon a liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

SEC. 2. Section 340 of the Code of Civil Procedure, is hereby amended to read as follows:

Statutes of limitation other than actions for recovery of real property.

340. Within one year:

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation.

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this state.

3. An action for libel, slander, assault, battery, false imprisonment, seduction or for injury to or for the death of one caused by the wrongful act or neglect of another or by a depositor against a bank for the payment of a forged or raised check.

4. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

5. An action against a municipal corporation for damages or injuries to property caused by a mob or riot.

## CHAPTER CCLIX.

*An act to amend an act entitled "An act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the act last mentioned.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions.

SECTION 1. That certain act of the legislature entitled, "An act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, is hereby amended by adding thereto a section to be known as section 23 thereof, reading as follows:

Use of the  
word  
"trust"  
in name of,  
prohibited,  
except by  
certain  
corpora-  
tions.

23. The use of the word "trust" in combination or in connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," is hereby prohibited to all persons, firms, associations, companies or corporations, other than corporations provided for by a certain act of the legislature entitled: "An act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6,

1891, and any person, firm, association, company or corporation which uses the word "trust" in combination with or in connection with the word "company," "corporation," "incorporation," "association," "society," "organization" or "syndicate" as the name under which business is done or transacted, shall be subject to the provisions of the act last referred to and to the supervision of the bank commissioners as required by the said act. Any person, firm, association, company or corporation making use of the word "trust" in combination or in connection with the word "company," "corporation," "incorporation," "association," "society," "organization" or "syndicate" in the manner hereinabove mentioned in the transaction of business and not subject to the provisions of said act and the supervision of the bank commissioners as in said act provided shall forfeit for each day the offense is committed, the sum of one hundred dollars to be recovered by the bank commissioners of the State of California in the manner provided by law.

Subject to  
bank com-  
missioners'  
act.

Penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CCLX.

*An act making an appropriation to pay the claim of Dr. W. J. Hanna against the State of California.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, with which to pay the claim of Dr. W. J. Hanna against the State of California.

Claim of  
W. J.  
Hanna.

SEC. 2. The state controller is hereby directed to draw his warrant for the said sum of two hundred and fifty dollars in favor of said Dr. W. J. Hanna, and the state treasurer is hereby directed to pay the same.

SEC. 3. The claim of said Dr. W. J. Hanna is hereby exempted from the provisions of section 672 of the Political Code of the State of California.

## CHAPTER CCLXI.

*An act amending an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section thirteen hundred and eight thereof.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1308 of an act entitled "An act to establish a Code of Civil Procedure" approved March 11, 1872, is hereby amended to read as follows:

Probate of wills not contested.

1308. If no person appears to contest the probate of a will, the court may admit it to probate on the testimony of one of the subscribing witnesses only, if he testifies that the will was executed in all particulars as required by law, and that the testator was of sound mind at the time of its execution. If it appears at the time fixed for the hearing that none of the subscribing witnesses reside in the county, but that the deposition of one of them can be taken elsewhere, the court may direct it to be taken, and may authorize a photographic copy of the will to be made and to be presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator, and the other witness, as would be pertinent and competent if the original will were present. If neither the attendance in court nor the deposition of any of the subscribing witnesses can be procured, the court may admit the will to probate upon the testimony of any other witness as provided in section thirteen hundred and seventeen.

Deposition of witness to.

Admitted to probate upon testimony of other witnesses.

## CHAPTER CCLXII.

*An act making an appropriation to pay for improvements and repairs in and about the governor's residence.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Governor's residence, additions to and repair of.

SECTION 1. The sum of six thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay for necessary additions to the governor's residence in Sacramento, to lay new cement sidewalks about the same, to lay a cement floor in the basement thereof, and to paint said residence, and for such other repairs and betterments in and about said residence as shall be found necessary by the board of state capitol commissioners.

SEC. 2. The controller is hereby directed to draw his warrants for the amount herein made payable upon proper demands approved by the board of state capitol commissioners and audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

#### CHAPTER CCLXIII.

*An act making an appropriation of three thousand nine hundred and seven dollars and fifty cents to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch to be used at said school.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three thousand nine hundred and seven dollars and fifty cents (\$3907.50), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of purchasing five inches of water from the East Whittier ditch to be used at said school.

Whittier  
State  
School,  
purchase  
of water.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

#### CHAPTER CCLXIV.

*An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. *State board of forestry.*—There shall be a state board of forestry, consisting of the governor, secretary of state, attorney-general and state forester, which shall supervise all matters of state forest policy and management and convene upon the call of the governor or of its secretary.

State board  
of forestry.

State forester; qualifications, appointment and term.

SEC. 2. *State forester and his duties.*—There shall be a state forester, who shall be a civil executive officer, and who shall be a technically trained forester, appointed by the governor to hold office at the pleasure of the appointing power; and whether any candidate for the position is a technically trained forester shall be determined by certificate from the secretary of the United States Department of Agriculture, or from the Department of Forestry of the State University after such department is established. He shall receive a salary of twenty-four hundred dollars per annum, and shall be authorized and empowered to appoint two assistant foresters, whose salaries shall not exceed twelve hundred dollars each per annum. He shall maintain headquarters at the state capitol in an office provided by the secretary of state, and shall be allowed necessary office and contingent expenses. He and his assistants shall be paid reasonable traveling and field expenses which may be incurred in the necessary performance of their official duties. He shall act as secretary of the state board of forestry. He shall, under the supervision of the state board of forestry, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens in the state, and direct and aid them in their duties; direct the protection and improvement of state parks and forests; collect data relative to forest destruction and conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush-covered land, and prosecute for any violation of such laws; cooperate with land owners, as described in section 4 of this act; and publish from time to time such information of forestry as he may deem wise. He shall prepare annually a report to the governor on the progress and condition of state forest work, and recommend therein plans for improving the state system of forest protection, management and replacement.

Compensation.

Assistants, appointment and salary.

Office of.

Allowed traveling expenses.

Duties of.

Report of.

Jurisdiction of state board of forestry.

SEC. 3. *Supervision and care of state parks.*—The California Redwood Park and the Mt. Hamilton tract, together with all moneys heretofore or hereafter appropriated for the purchase of land for or care of said parks, tracts and stations, shall be in charge of the state board of forestry, said board to take the place of and forthwith shall have all the powers and duties now possessed in accordance with law by persons or commissions with regard to the state parks, tracts of land, and forest stations mentioned in this act, and also any forest or brush land which may hereafter become state property, or be placed definitely in the care of the state; and it is hereby further enacted that, if the government of the United States or any individual or corporation shall, at any time, donate or entrust to the State of California, for state park or state forest reserve purposes, any tract or tracts of wholly or partially wooded land, such tract or tracts of land shall be administered at the expense of the state, as provided by law.

SEC. 4. *Coöperative work.*—The state forester shall, upon request and whenever he deems it essential to the best interests of the people and the state, coöperate with counties, towns, corporations and individuals in preparing plans for the protection, management and replacement of trees, woodlots and timber tracts, on consideration and under an agreement that the parties obtaining such assistance pay at least the field expenses of the men employed in preparing said plans.

State forester to coöperate with counties, towns, corporations, and individuals.

SEC. 5. *Publication of laws and notices.*—The state forester shall prepare and print for public distribution, an abstract of all the forest laws of California, together with such rules and regulations in accord therewith as he may deem necessary, and shall annually print and distribute a list of all fire wardens with their addresses, all such matter to be published with the approval of the state board of forestry. He shall also furnish notices, printed in large letters on cloth, calling attention to the danger from forest fires and to forest fire and trespass laws and their penalties. Such notices shall be posted by the fire wardens in conspicuous places along every highway in brush and forest-covered country, at frequent intervals along streams and lakes frequented by tourists, hunters or fishermen, at established camping sites, and in every post-office in the forested region.

Publication and distribution of forestry laws.

Prevention of forest fires.

SEC. 6. *Fire districts.*—The state forester shall divide the state into such number of fire districts as shall be deemed by him most necessary to the efficiency of his work; and, furthermore, any county, or combination of less than four counties, shall be made a separate fire district, upon request of the county board or board of supervisors, in which case such special fire district shall pay the cost of maintaining its district fire warden.

State divided into fire districts.

SEC. 7. *Duties of assistant foresters.*—The duties of the assistant foresters shall be to devote their entire time to state forest interests according to rules and directions to be determined by the state forester, with the approval of the state board of forestry. They shall take prompt measures to prevent and extinguish forest fires; keep a record of the cause, extent and damage of all forest fires in their respective districts, and perform such other duties as the state forester may direct.

Duties of assistant foresters.

SEC. 8. *Voluntary fire wardens and their duties.*—The state forester shall appoint, in such number and localities as he deems wise, public-spirited citizens to act as voluntary fire wardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of the forest laws, assist in apprehending and convicting offenders, and perform such other duties as the state forester may direct. The supervisors and rangers on the federal forest reserve within the state, whenever they formally accept the duties and responsibilities of fire wardens, may be appointed as

Appointment of fire wardens.

Duties of.

voluntary fire wardens, and shall have all the powers given to fire wardens by this act.

Powers of fire wardens and state forester.

SEC. 9. *Powers and requirements of fire wardens.*—The state forester and all fire wardens shall have the powers of peace officers to make arrests without warrant, for violations of any state or federal forest laws, and no fire warden shall be liable to civil action for trespass committed in the discharge of his duties. Any fire warden who has information which would show, with reasonable certainty that any person had violated any provision of such forest laws, shall immediately take action against the offender, either by using his own powers as a peace officer or by making complaint before the proper magistrate, or by information to the proper district attorney, and shall obtain all possible evidence pertaining thereto. Failure on the part of any paid fire warden to comply with the duties prescribed by this act shall be a misdemeanor, and punishable by a fine of not less than twenty dollars, nor more than two hundred and fifty dollars, or imprisonment for not less than ten days nor more than three months, or both such fine and imprisonment, and the state forester is hereby authorized to investigate and prosecute such violations.

Failure of firewarden to perform duties.

Penalty.

Authority of warden to call upon citizens.

SEC. 10. *Assistance of citizens in fighting fires.*—All fire wardens shall have authority to call upon able-bodied citizens between the ages of sixteen and fifty years, for assistance in putting out fires, and any such person who refuses to obey such summons, unless prevented by good and sufficient reasons, is guilty of a misdemeanor, and must be fined in a sum not less than fifteen dollars, nor more than fifty dollars, or imprisonment in the county jail of the county in which such conviction shall be had, not less than ten days, nor more than thirty days, or both such fine and imprisonment; *provided* that no citizen shall be called upon to fight fire a total of more than five days in any one year.

Failure to obey summons; penalty.

Fire patrol.

SEC. 11. *Fire patrol.*—In times and localities of particular fire danger the state forester may maintain a fire patrol through the fire wardens, at such places in brush or forest land as the public interest may require, the expense of such patrol to be paid by the county in which such patrol is maintained; and, furthermore, he may, upon written request by counties, corporations or individuals, maintain a fire patrol on their forest lands, *provided*, that the expense of said patrol be paid by the party or parties requesting same.

Duty of district attorney.

SEC. 12. *District attorneys to prosecute vigorously.*—Whenever an arrest shall have been made for violation of any provision of this act, or whenever any information of such violation shall have been lodged with him, the district attorney of the county in which the criminal act was committed must prosecute the offender or offenders with all diligence and energy. If any district attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred



dollars nor more than one thousand dollars in the discretion of the court. Action against the district attorney shall be brought by the attorney-general in the name of the people of the state on the relation of the state forester. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint, under oath, of violation of any terms of this act has been lodged with him.

SEC. 13. *Destruction of warning notices.*—Any person who shall destroy, deface, remove or disfigure any sign, poster or warning notice posted under the provisions of this act shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than fifteen dollars nor more than one hundred dollars, or imprisonment in the county jail for a period of not less than ten days nor more than three months, or both such fine and imprisonment.

Destruction of warning notices; penalty.

SEC. 14. *Willfully, maliciously and negligently setting forest fires.*—Every person, who willfully, maliciously or negligently sets on fire or causes or procures to be set on fire any woods, brush, prairies, grass, grain or stubble on any lands not his own, or allows the fire to escape from his own land, whereby any property of another is injured or destroyed, or accidentally sets any such fire or allows it to escape from his control without extinguishing it or using every effort to extinguish it, shall be guilty of a misdemeanor; and upon conviction is punishable by a fine of not less than fifty dollars, nor more than one thousand dollars, or imprisonment for not less than thirty days nor more than one year, or both such fine and imprisonment. Setting such fires or allowing them to escape shall be prima facie proof of willfulness, malice or neglect under this section, *provided*, that nothing herein contained shall apply to a person who, in good faith, sets a back fire to check a fire already burning.

Setting fires.

Penalty.

Prima facie evidence.

SEC. 15. *Extinguishment of camp fires.*—Every person who, upon departing from a camp or camping place, leave fire burning or unextinguished, or who after building such fire allows it to spread, shall be guilty of a misdemeanor and punishable by a fine of not less than fifty dollars nor more than five hundred dollars, with costs of suit and collection, one half of such fine or such a portion thereof as shall not exceed fifty dollars, to be paid to the person securing the arrest and conviction of such offender, and if the defendant refuses or neglects to pay the fine and costs imposed, he shall be confined in the county jail of the county in which conviction shall be had, for a period not to exceed one day for every two dollars of the fine imposed, or may be subject to both such fine and imprisonment.

Extinguishment of camp fires.

SEC. 16. *Restriction of use of fire in dry season.*—It shall be unlawful during what is locally known as the "dry season," this to be considered as the period between May fifteenth and the first soaking rains of autumn or winter, for

Restriction of use of fire in dry season.

any person or persons to burn brush, stumps, logs, fallen timber, fallows, grass or forest-covered land, or blast wood with dynamite, powder or other explosives, or set off fireworks of any kind in forest or brush-covered land, either their own or the property of another, without written permission of and under the direction or supervision of a fire warden in that district; these restrictions not to apply to the ordinary use of fire or blasts in logging redwood, nor in cases where back fires are set in good faith to stop an existing fire. Violation of these provisions shall be a misdemeanor, punishable, upon conviction, by a fine of not less than fifty dollars, nor more than one thousand dollars, or imprisonment not less than thirty days nor more than one year, or both such fines and imprisonment.

Engines in forest lands.

SEC. 17. *Engines in forest land.*—Logging locomotives, donkey or threshing engines, and other engines and boilers operated in, through or near forests, brush or grass land, which do not burn oil as fuel, shall be provided with appliances to prevent the escape of fire and sparks from the smokestacks thereof, and with devices to prevent the escape of fire from ashpans and fireboxes. Failure to comply with these requirements shall be a misdemeanor, punishable, upon conviction, by a fine of not less than one hundred dollars nor more than five hundred dollars, and any person violating any provision of this section shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars, for every such violation, or imprisonment for not less than thirty days nor more than three months, or both such fine and imprisonment.

Penalty.

Liable in civil actions.

SEC. 18. *Civil liability for forest fires.*—In addition to the penalties provided in sections 14, 15, 16 and 17 of this act, the United States, state, county, or private owners, whose property is injured or destroyed by such fires, may recover, in a civil action, double the amount of damages suffered if the fires occurred through willfulness, malice or negligence; but if such fires were caused or escaped accidentally or unavoidably, civil action shall lie only for the actual damage sustained as determined by the value of the property injured or destroyed, and the detriment to the land and vegetation thereof. The presumption of willfulness, malice or neglect shall be overcome, *provided* that the precautions set forth in section 17 are observed; *or, provided*, under section 16, fires are set during the "dry season" with written permission of and under the direction of the district fire warden. Persons or corporations causing fires by violations of sections 14, 15, 16 and 17 of this act shall be liable to the state or county in action for debt, to the full amount of all expenses incurred by the state or county in fighting such fires.

Clearing of brush, etc., along county roads.

SEC. 19. *Clearing along county roads and land after lumbering.*—Counties, along the county roads, in forest or brush land, shall, when so directed by the state forester, and in a manner and to an extent prescribed by him, cut and remove

all brush, grass and inflammable material from their rights of way. If such clearing is not done within a reasonable time after notice, said time to be fixed by the state forester, the state forester shall have it done and the county shall be liable to the state in an action for debt to the amount of the expense thus incurred, and in addition thereto for the expense of any fire patrol rendered necessary by such delay. It is *provided, further*, that all lumber companies, corporations, or individuals shall, when so instructed by the state board of forestry, and at a time and in a manner prescribed by said board, carefully burn their slashings, by which is meant the tops, limbs, and general débris left after lumbering.

SEC. 20. *Disposals of moneys received as penalties.*—All moneys received as penalties for violations of the provisions of this act, less the cost of collection, and not otherwise provided for, shall be paid into the state treasury to the credit of the forestry fund, which fund is hereby created, and the moneys therein are hereby appropriated for purposes of forest protection, management and replacement under direction of the state board of forestry.

Disposition of fines.

SEC. 21. *Moneys for forest purposes.*—County boards of supervisors may appropriate money for purposes of forest protection, improvement and management.

County to appropriate money for forest protection.

SEC. 22. *Payment of expenses under this act.*—There is hereby appropriated for the fifty-seventh and fifty-eighth fiscal years, the sum of seventeen thousand six hundred dollars (\$17,600.00) for carrying out the provisions of this act, and for the payment of all salaries and expenses herein provided for.

Appropriation.

SEC. 23. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of conflicting acts.

## CHAPTER CCLXV.

*An act to amend an act entitled "An act to establish a Political Code approved March 12, 1872, by amending section 1115 thereof relating to the index of the great register."*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1115 of the Political Code is hereby amended to read as follows:

1115. Within five days after the binding of said books, the clerk shall prepare an index of each book, said index to contain the numbers, names, ages, occupations, and addresses as they appear in said books, and shall have at least one hundred copies of said index printed.

Index to great register.

## CHAPTER CCLXVI.

*An act to provide for the payment of the claim of Fred A. Treat, district attorney of Monterey county, for costs in foreclosing delinquent purchasers of state school lands, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
Fred A.  
Treat.

SECTION 1. The sum of one hundred eighty-one dollars and sixty-one cents is hereby appropriated, payable out of any moneys in the state treasury not otherwise appropriated, to pay the claim of Fred A. Treat, district attorney of the county of Monterey, for expenses incurred in foreclosing delinquent purchasers of state school lands, in Monterey county.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable, upon demands audited by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCLXVII.

*An act to repeal section sixteen hundred and thirty-nine of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said code to be numbered fifteen hundred and twenty-seven, both relating to the sale of personal property of a deceased person, upon application for sale of real property.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Section sixteen hundred and thirty-nine of the Code of Civil Procedure, approved March 24, 1874, is hereby repealed.

SEC. 2. A new section is hereby added to said code to be known as section fifteen hundred and twenty-seven, to read as follows:

Sale of  
personal  
property of  
deceased  
person.

1527. Whenever it appears to the court on any hearing of an application for a sale of real property, that it would be for the interest of the estate that personal property of the estate, or some part of such property, should first be sold, the court may decree the sale of said personal property, or any part of it, and the sale thereof shall be conducted in the same manner as if the application had been made for the sale of such personal property in the first instance.

## CHAPTER CCLXVIII.

*An act confirming the organization of school districts.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All school districts in this state that for a period of five (5) years have been acting as school districts under the laws of this state, are hereby declared to be duly incorporated and to be bodies politic under the laws of this state, and as such school districts, under their appropriate names, shall have all the rights and privileges and be subjected to all of the duties and obligations of duly incorporated school districts.

School districts, incorporation of.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLXIX.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure" approved March 11, 1872, by adding a new section thereto to be numbered six hundred and seventy-five a (675a) relating to the satisfaction of record of real property mortgages which have been foreclosed and the property thereby sold, and to provide for the form of such satisfaction.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California to be known as section six hundred and seventy-five a (675a) and to read as follows:

675a. Whenever a mortgage on real property is foreclosed in this state and the property covered by such mortgage is sold under and pursuant to the decree of foreclosure entered in the action in which such foreclosure is had, it shall be the duty of the sheriff, or commissioner making the sale, as the case may be, within five days after the purchaser at the sale becomes entitled to a deed from such sheriff, or commissioner thereunder, to enter upon the margin of the county records where such mortgage is recorded, if the same be recorded, a satisfaction of the same.

Satisfaction of mortgage recorded.

SEC. 2. Such satisfaction shall be substantially in the following form:

Form of satisfaction.

Full satisfaction and discharge of the within mortgage by foreclosure is hereby entered this.....day of.....19.. Decree of foreclosure entered the.....day of.....19.. in cause No..... entitled,.....vs..... Sale under such decree had the....day of.....19...

..... Sheriff (commissioner).

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXX.

An act making an appropriation for the payment of division and brigade, N. G. C. headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

[Approved March 18, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

National Guard; division and brigade allowances, fifty-fifth and fifty-sixth fiscal years.

SECTION 1. The sum of \$6452 is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the division and brigade N. G. C. headquarters, allowances for the fifty-fifth and fifty-sixth fiscal years.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of the said headquarters for the respective amounts due them, as approved by the board of military auditors, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER CCLXXI.

An act to add an additional section to the Code of Civil Procedure to be numbered five hundred and eighty-three, relating to the dismissal of actions.

[Approved March 18, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An additional section is hereby added to the Code of Civil Procedure to be numbered five hundred and eighty-three, as follows:

Dismissal of actions.

583. The court may in its discretion dismiss any action for want of prosecution on motion of the defendant and after due notice to the plaintiff, whenever plaintiff has failed for two years after answer filed to bring such action to trial. Any action heretofore or hereafter commenced shall be dis-

missed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court on its own motion, unless such action is brought to trial within five years after the defendant has filed his answer, except where the parties have stipulated in writing that the time may be extended.

#### CHAPTER CCLXXII.

*An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by amending sections two hundred and eighty-three and two hundred and eighty-four of the Penal Code of the State of California, relating to the punishment of bigamy.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and eighty-three (283) of the Penal Code of the State of California, is hereby amended so as to read as follows:

283. Bigamy is punishable by a fine not exceeding five thousand dollars and by imprisonment in the state prison not exceeding ten years. Bigamy, punishment of.

SEC. 2. Section two hundred and eighty-four (284) of the Penal Code of the State of California is hereby amended so as to read as follows:

284. Every person who knowingly and willfully marries the husband or wife of another, in any case in which such husband or wife would be punishable under the provisions of this chapter, is punishable by fine not less than five thousand dollars, or by imprisonment in the state prison not exceeding ten years. Marrying a husband or wife of another, punishment

#### CHAPTER CCLXXIII.

*An act to amend section four thousand one hundred and sixteen of an act entitled "An act to establish a Political Code," approved March twelfth, one thousand eight hundred and seventy-two, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business; and relating also to hours and rules of judges of the superior court.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four thousand one hundred and sixteen of an act entitled "An act to establish a Political Code," approved March twelfth, one thousand eight hundred and seventy-two, is hereby amended so as to read as follows:

County  
officers.Office  
hours.Auditor  
not to draw  
salary  
warrants  
until  
affidavit  
is filed  
monthly.Affidavit of  
auditor.Closed  
during  
noon hour,  
when.Judges,  
rules and  
hours.

4116. Sheriffs, clerks, recorders, treasurers, and auditors must have their offices at the county seat, in the court house, hall of records, jail or other buildings, provided by the county through the board of supervisors, and keep them open for the transaction of business continuously from nine o'clock A. M. until five o'clock P. M. every day in the year except Sundays and holidays. And the words "transaction of business" as used herein shall be construed to mean that during the said hours named there shall be present in said office at least one person qualified and prepared to transact the business that may properly come into said office. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with an affidavit setting forth that he has complied with the provisions of this section, and the making of a false affidavit by any of said officers shall subject the party making the same to prosecution for the crime of perjury and to be punished for the same. The affidavit required herein of the auditor shall be filed with the county clerk and be and remain a record of the office of said clerk; and the affidavits of the other officers required herein shall be filed with the county auditor and be and remain a record of his office, *provided* that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are so absent on such business, *and provided further*, that in all cases where any officer named herein has no regularly appointed deputy he shall be permitted to close his office during the hour from twelve o'clock noon to and until two o'clock P. M. The judges of the superior court must have chambers at the county seat and must establish such rules and hours for official business as may be necessary for the dispatch thereof.

SEC. 2. This act shall go into effect immediately from and after its passage.

#### CHAPTER CCLXXIV.

*An act to pay the claim of Philip Bauer against the State of California and to make an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Claim of  
Philip  
Bauer.

SECTION 1. The sum of two thousand five hundred (\$2,500) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Philip Bauer, for the injuries to his right foot while in the performance of his duties as a member of the National Guard



of California, while on duty under orders of the governor of California, at Oakland, county of Alameda, State of California, on the fifteenth day of July, eighteen hundred and ninety-four.

SEC. 2. The state controller is hereby directed to draw his warrant for the sum in this act appropriated as herein specified, and the state treasurer is directed to pay the same as herein provided.

SEC. 3. This act is exempted from the operations of section six hundred and seventy-two of the Political Code of the State of California.

SEC. 4. This act shall take effect July 1, 1905.

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#### CHAPTER CCLXXV.

*An act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the state prison officials at Represa, in attendance upon guards Cotter, Cochrane and Chalmers, after the prison break at the said state prison at Represa on July 27th, 1903.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, with which to pay the claim of Dr. Geo. T. Hesser, for professional services rendered and expenses incurred by him at the instance and request of the officials of the state prison at Represa, in attendance upon guards Cotter, Cochrane and Chalmers, after the prison break at the said prison at Represa on July 27th, 1903.

Claim of  
Dr Geo. T.  
Hesser.

SEC. 2. The state controller is hereby directed to draw his warrant for the said sum of one hundred and fifty dollars in favor of said Dr. Geo. T. Hesser, and the state treasurer is hereby directed to pay the same.

SEC. 3. The claim of Dr. Geo. T. Hesser is hereby exempted from the provisions of section 572 of the Political Code of the State of California.

## CHAPTER CCLXXVI.

*An act to add a new section to the Penal Code to be numbered 367a, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added to the Penal Code a new section to be numbered 367a to read as follows:

Unauthor-  
ized use of  
dramatic  
or musical  
composi-  
tions.

367a. Any person who causes to be publicly performed or represented for profit any unpublished or undedicated dramatic composition or dramatic-musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids, or takes part in such a performance or representation, or who sells a copy or a substantial copy of any unpublished, undedicated or copyrighted dramatic composition or musical or dramatic-musical composition, known as an opera, without the consent of the author or proprietor of such dramatic or dramatic-musical composition shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty (50) dollars, and not more than three hundred (300) dollars, or be imprisoned for not less than thirty (30) days or more than three (3) months, or both such fine and imprisonment.

Penalty.

## CHAPTER CCLXXVII.

*An act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Marshall  
monu-  
ment, im-  
provement  
of grounds.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred and fifty (\$250.00) dollars, to be used by the Sutter's Fort board of trustees, for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma, for the two years beginning April 1st, 1905.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Sutter's Fort board of trustees for the amount of money appropriated by section 1 of this act, for said expenses and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. All bills against this appropriation shall first be audited by the Sutter's Fort board of trustees and be approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

### CHAPTER CCLXXVIII.

*An act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be established at a point and by means hereinafter provided a scientific station or laboratory with the necessary grounds and buildings; this laboratory shall be equipped with the material and appliances necessary for the study and determination of the cause of diseases and conditions of orchard trees, fruits and vegetables and shall provide the means for a thorough examination of fungus, bacterial, and other maladies, insects, pests, and diseases, and their remedy or prevention, the condition of the soil, cultivation and location that may tend to the imperfect nutrition and all physiological and other defects that may affect the economic production and marketing of horticultural products.

Pathological laboratory, establishment of for the investigation of tree and plant diseases and pests.

SEC. 2. The location of such pathological laboratory shall be in one of the seven southern counties of the State of California, to be selected by a board of three commissioners hereby created, consisting of the governor of the state, the president of the University of California and the professor of agricultural practice of the University of California, and said board of commissioners is hereby authorized and empowered to select such location, perfect the title thereof in the name of the board of regents of the University of California and do such other acts as may be necessary to make legal the expenditure of the funds required by the purpose of this act: *provided* that said location may, at the option of the board of commissioners, be on lands already belonging to the State of California at Whittier or Patton.

Location of selected by commissioners

May be located at Whittier or Patton.

Construction of building by regents of the University of California.

May receive and hold gifts and bequests.

Experts in plant pathology, and assistants. Duties of.

Branch agricultural experiment stations.

Commissioners may lease or receive gifts of land or select land owned by the state.

If at Whittier or Patton, not to exceed fifty acres.

Regents to prescribe plans for investigation.

Appropriation.

SEC. 3. When the title to the necessary lands has been perfected by the commission named in section two the regents of the University of California shall proceed to the construction of a building suitable for the protection and use of the laboratory, shall equip the laboratory and maintain it for the purposes designated in the title of this act, and may receive, manage, use and hold gifts, leases, and bequests for promoting the purposes of this act.

SEC. 4. The board of regents or the president of the University of California, if the regents so authorize, shall select not less than two experts in plant pathology, and such assistants as may be needed, who shall have active charge of the laboratory and the investigations and field experiments, and who shall reside at or near the said laboratory and give their entire time to the investigations required by the board of regents or their representative, and may from time to time publish the results of their inquiries and discoveries; the said board of regents shall fix the salaries of employes and provide for contingent expenses.

SEC. 5. Said commissioners shall also establish and maintain a branch agricultural experiment station or stations under the provisions of this act within the territory described in section two of this act for the purpose of carrying on experimental and investigational work in connection with the agricultural experiment work of the University of California in ascertaining the best methods of horticultural management; for the investigation of fertilization; for the investigation of irrigation; for improving the methods of handling fruits for market; for the introduction of new varieties of fruits and for such other investigations as may be deemed advisable to promote the horticultural interests of said district. Said commissioners may lease or accept gifts of lands for said purpose and may select for the location of said station or stations any lands owned by the state in said district; *provided* that should such station or stations be located upon lands owned by the state at Whittier Reform School at Whittier or the Southern California State Hospital at Patton they shall not embrace in the aggregate more than fifty acres. Said land shall be supplied with sufficient water for the proper irrigation of the same in any case.

SEC. 6. The regents of the University of California are required to adopt a general plan and schedule before the beginning of each fiscal year which shall describe the investigations and experiments to be pursued during such fiscal year, and it shall be the duty of the board of regents to receive and consider written statements from individuals and associations interested in said branches of horticulture, conveying plans or suggestions for investigations which they may approve or desire.

SEC. 7. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the regents of the

University of California in carrying out the purposes of this act, and the state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER CCLXXIX.

*An act to amend an act entitled "An act to establish a Civil Code," approved March 21st, 1872, by adding a new section thereto to be numbered section two hundred ninety and a half, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code of the State of California, to be numbered section two hundred ninety and a half, and to read as follows:

290½. No corporation hereafter formed shall use the word "trust" or "trustee" as a part of its corporate name unless it shall be authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depositary or trustee, nor shall any corporation hereafter formed accept or execute any trust unless it shall have complied with all the provisions of "An act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporation," approved April 6th, 1891, and the amendment thereto approved April 1st, 1897.

Corporations not to use the word "trust" as part of corporate name.

Except.

CHAPTER CCLXXX.

*An act to amend section 770 of an act entitled "An act to establish a Penal Code," approved February 14th, 1872, relating to appeals from judgments of removal from office.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 770 of the Penal Code of the State of California is hereby amended to read as follows:

770. From a judgment or decree of removal from office under any provision of this chapter, an appeal may be taken to the supreme court in the same manner as from a judgment in a civil action but until such judgment is reversed, the defendant is suspended from office after thirty days from the

Removal from office otherwise than by impeachment.

Appeal from judgment.

Defendant suspended until judgment reversed.

Office filled pending appeal.

entry of the judgment, unless within such thirty days there shall be filed in the office of the clerk of the court in which the conviction was had, a certificate of a judge of the superior court that in his opinion there is probable cause for the appeal. If a bill of exceptions is not settled in time to be used upon an application for such a certificate or within twenty days after such judgment is entered, the error relied upon may be presented to such judge in any manner satisfactory to such judge. If no such certificate be filed within thirty days the office must pending the appeal be filled as in case of a vacancy. Appeals taken under this section shall be entitled in the appellate court to priority in hearing over all cases except such as have been advanced upon its calendar by special order of such appellate court.

SEC. 2. This act shall take effect immediately.

CHAPTER CCLXXXI.

An act to amend section three thousand seven hundred and thirteen of the Political Code, relating to the levy of taxes.

[Approved March 18, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred and thirteen of the Political Code is hereby amended so as to read as follows:

Levy of taxes.

3713. The state board of equalization must, for state purposes for the fifty-seventh and fifty-eighth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this state as, after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the fifty-seventh fiscal year:

Fifty-seventh fiscal year.

First—For the general fund, four million dollars.

Second—For the school fund, two million eight hundred and fifty-one thousand seven hundred and eighty-six dollars.

Third—For the high school fund, two hundred and seventeen thousand three hundred and thirty-five dollars.

Fourth—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the fifty-eighth fiscal year:

Fifty-eighth fiscal year.

First—For the general fund, three million six hundred and eighty thousand dollars.

Second—For the school fund, two million eight hundred and fifty-one thousand seven hundred and eighty-six dollars.

Third—For the high school fund, two hundred and seventeen thousand three hundred and thirty-five dollars.

Fourth—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

## CHAPTER CCLXXXII.

*An act appropriating \$15,000 to complete and equip the building known as the president's house of the University of California at Berkeley.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of \$15,000 to be expended by the board of regents of the University of California in completing and equipping the building known as the president's house of the University of California at Berkeley.

President's house, University of California, completion of.

SEC. 2. The state controller is hereby directed to draw his warrant for the sum in this act appropriated in favor of the regents of the said University of California upon their requisition for the same, and the state treasurer is hereby directed to pay said warrant.

SEC. 3. This act shall take effect the first day of June, 1905.

## CHAPTER CCLXXXIII.

*An act providing for an appropriation of three thousand dollars (\$3000.00) for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three thousand dollars (\$3000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expense of maintenance.

Sutter's Fort, improvement of grounds and repairing buildings.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCLXXXIV.

*An act to amend the Code of Civil Procedure of the State of California, by amending section 859 thereof, relating to amendment of pleadings.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 859 of the Code of Civil Procedure is hereby amended to read as follows:

Amend-  
ment of  
pleadings  
in justices'  
courts.

859. Either party may, at any time before the conclusion of the trial, amend any pleading; but if the amendment is made after the issue, and it appears to the satisfaction of the court, by oath, that an adjournment is necessary to the adverse party in consequence of such amendment, an adjournment must be granted. The court may also, in its discretion, when an adjournment will by the amendment be rendered necessary, require as a condition to the allowance of such amendment, made after issue joined, the payment of costs to the adverse party, to be fixed by the court, not exceeding twenty dollars. The court may also, on such terms as may be just, and on payment of costs, relieve a party from a judgment by default taken against him by his mistake, inadvertence, surprise, or excusable neglect, but the application for such relief must be made within ten days after notice of the entry of the judgment and upon an affidavit showing good cause therefor.

## CHAPTER CCLXXXV.

*An act appropriating money for the purchase of books for the library of the Preston School of Industry.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Preston  
School,  
books for  
library.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred and fifty dollars, to be used by the trustees of the Preston School of Industry for the purchase of books for the library of said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect from and after July 1, 1905.



## CHAPTER CCLXXXVI.

*An act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the superior court of the State of California, in and for the county of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of fifty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Benjamin Lauer against the State of California, arising upon a judgment heretofore recovered in an action entitled "Benjamin Lauer vs. The State of California," numbered one thousand three hundred and fourteen upon the register of actions maintained in the office of the clerk of the superior court of the State of California, in and for the county of Modoc, and recorded in judgment book number three at pages 295-6, Modoc county records.

Claim of Benjamin Lauer.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Benjamin Lauer for the said sum of fifty-five dollars, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCLXXXVII.

*An act to amend sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, 631a, of the Penal Code of the State of California, and to add thereto a new section to be numbered 631c, all relating to the protection and preservation of game.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 626 of the Penal Code of the State of California is amended to read as follows:

Protection and preservation of game.

626. Every person, who, between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed, in the State of California, or shipped

Quail,  
partridge,  
wild duck,  
rail, cur-  
lew, ibis,  
plover.

Wilson  
snipe.

Mountain  
quail,  
grouse,  
sage hen.

Swan,  
pheasant,  
bob-white  
quail

Limit of  
bag.

Deer.

Tree  
squirrel.

Limit of  
number of  
deer

Certain  
game not  
to be sold.

into the state from any other state, territory, or foreign country, any valley quail, or partridge, or any kind of wild duck, or any rail, or any curlew, ibis, plover, or other shore birds (*Limicolae*); or who, between the first day of April and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any Wilson snipe; or who between the fifteenth day of February and the first day of September of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, any mountain quail, grouse, or sage hen, is guilty of a misdemeanor.

SEC. 2. Section 626c of the Penal Code of the State of California is amended to read as follows:

626c. Every person who takes, kills, or destroys, or has in his possession any swan, or any pheasant, or any bob-white quail, or any variety of imported quail or partridge, is guilty of a misdemeanor.

SEC. 3. Section 626d of the Penal Code of the State of California is amended to read as follows:

626d. Every person who, during any one calendar day, takes, kills, or destroys, or has in his possession, more than twenty-five quail, partridge, doves, snipe, curlew, ibis, plover, rail, or any other shore birds, (*Limicolae*), or more than fifty wild ducks, is guilty of a misdemeanor.

SEC. 4. Section 626f of the Penal Code of the State of California is amended to read as follows:

626f. Every person who, between the fifteenth day of October and the first day of August of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor.

SEC. 5. Section 626g of the Penal Code of the State of California is amended to read as follows:

626g. Every person who hunts, takes, kills, or destroys, or has in his possession, any species of tree squirrel, is guilty of a misdemeanor.

SEC. 6. Section 626i of the Penal Code of the State of California is amended to read as follows:

626i. Every person who takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, more than two deer, during any one open season, is guilty of a misdemeanor.

SEC. 7. Section 626k of the Penal Code of the State of California is amended to read as follows:

626k. Every person who buys, sells, offers or exposes for sale, barter or trade, any quail, partridge, dove, pheasant, grouse, sage hen, rail, ibis, plover, or any snipe or other shore bird (*Limicolae*), or any deer meat, whether taken

or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, is guilty of a misdemeanor.

SEC. 8. Section 627a of the Penal Code of the State of California is amended to read as follows:

627a. Every railroad company, express company, transportation company, or other common carrier, its officers, agents, and servants, and every other person who transports, carries or takes out of this state, or who receives for the purpose of transporting from this state, any deer, deer skin, buck, doe or fawn, or any quail, partridge, pheasant, grouse, or sage hen or prairie chicken, dove, wild pigeon, or any wild duck, rail, snipe, ibis, curlew, plover, or other shore birds (*Limicolae*) except for the purpose of propagation or scientific purposes, under a permit, in writing, first obtained from the board of fish commissioners of the State of California, or who transport, carries or takes from the state, or receives for the purpose of transportation from the state, the carcass of any such animal or any such bird, or any part of the carcass of any such animal or bird, is guilty of a misdemeanor.

Certain  
game not  
to be  
shipped.

SEC. 9. Section 627b of the Penal Code of the State of California is amended to read as follows:

627b. Every railroad company, steamship company, express company, transportation company, transfer company, and every other person who ships, or receives for shipment, or transportation, from any one person, during any one calendar day, more than twenty-five quail, partridge, pheasant, grouse, or sage hen, doves, rail, snipe, curlew, ibis, plover, or other shore birds (*Limicolae*), or more than fifty wild ducks or who transports any of the said birds, or any deer, in any quantity, unless such birds or deer are at all times in open view, and labeled with the name and residence of the person by whom they are shipped, is guilty of a misdemeanor.

Limit as to  
shipment  
of certain  
game.

SEC. 10. Section 631 of the Penal Code of the State of California is amended to read as follows:

631. Every person who takes, kills, or destroys by use of any net, pound, cage, trap, set line or wire, or by the use of any poisonous substance, any of the birds or animals mentioned in this chapter, or who transports, buys, sells, or gives away, offers or exposes for sale, or has in his possession, any of the said birds or animals that have been taken, killed, or captured by the use of any net, pound, cage, trap, set line or wire, or by the use of any poisonous substance, whether taken in the State of California, or shipped into the state from any other state, territory or foreign country, is guilty of a misdemeanor; *provided*, that the same may be taken for the purpose of propagation, or for scientific purposes, written permission having first been obtained from the state board of fish commissioners. Proof of possession of any such birds or animals which do not show evidence of

Net, pound,  
cage, trap,  
etc., not to  
be used.

having been taken by means other than a net, pound, cage, trap, set line or wire, or by the use of any poisonous substance, is prima facie evidence in any prosecution for violation of the provisions of this section, that the person in whose possession such birds or animals are found, took, killed, or destroyed the same by means of a net, pound, cage, trap, set line or wire, or by the use of poisonous substance.

SEC. 11. Section 631a of the Penal Code of the State of California is amended to read as follows:

Penalty for violation.

631a. Every person found guilty of a violation of any of the provisions of sections 626, 626a, 626b, 626c, 626d, 626f, 626g, 626h, 626i, 626j, 626k, 626m, sections 627, 627a, 627b, and section 631, must be fined in a sum not less than twenty-five dollars nor more than five hundred dollars, or imprisonment in the county jail of the county in which the conviction shall be had, not less than twenty-five days nor more than one hundred and fifty days, or by both such fine and imprisonment.

SEC. 12. A new section is hereby added to the Penal Code to be numbered section 631c to read as follows:

Same.

631c. Every person found guilty of a violation of any of the provisions of sections 626e must be fined in a sum not less than fifty dollars nor more than five hundred dollars or imprisonment in the county jail of the county in which the conviction shall be had, not less than fifty days nor more than one hundred and fifty days, or by both such fine or imprisonment.

Repeal of conflicting acts.

SEC. 13. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after February fifteenth, 1905.

## CHAPTER CCLXXXVIII.

*An act to repeal Chapter II of Title IV of the Political Code of California and to substitute therefor a new Chapter II relating to the state militia.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

National Guard.

SECTION 1. Chapter second of title fourth of the Political Code of California is hereby repealed, and there is hereby substituted to take the place thereof in such code a new chapter second, to read as follows:

## CHAPTER II.

## THE NATIONAL GUARD.

## ARTICLE I.

1925. *Composition and strength.* The National Guard of California shall consist of one company of engineers, two companies of signal men, not less than four companies of coast artillery, four troops of cavalry, not to exceed sixty companies of infantry, the medical department, not to exceed seven divisions of the Naval Militia, the officers of the staff of the commander-in-chief, officers on the retired list, and such officers and enlisted men as are authorized by law. The total number of companies of all arms of the service shall not exceed seventy-eight.

Composi-  
tion and  
strength.

1926. *Brigades.* Such portion of the National Guard as the commander-in-chief may designate shall be organized into two brigades, each commanded by a brigadier-general.

Brigades.

1927. *Authority of commander-in-chief.* The commander-in-chief shall have power to fix the limits of each brigade, to assign troops thereto, to provide for the location and organization of companies to fill any vacancies that may occur; to transfer, attach, consolidate, or disband companies; to organize and reorganize battalions, squadrons, and regiments. He shall have power to designate the number of non-commissioned officers and privates that shall constitute the companies of the various arms of the service, conforming as nearly as possible to the organization of like companies of the Regular Army; *provided*, that he shall not organize a company consisting of less than fifty enlisted men. When changes in the organization of companies or in the number of noncommissioned officers or privates shall be made in the Regular Army, the commander-in-chief will cause like changes to be made in the organization of the National Guard. The authority above given also applies to the hospital corps, bands, and all other enlisted men of the National Guard.

Authority  
of com-  
mander-in-  
chief.

1928. *Staff of brigadier-general.* The staff of a brigadier-general shall consist of one assistant adjutant-general, with the rank of lieutenant-colonel; one brigade inspector (who shall act as inspector of small arms practice), one quartermaster (who shall act as paymaster), one commissary, one judge-advocate, each with the rank of major; one surgeon, with the rank of lieutenant-colonel; and two aids, with the rank of first lieutenant.

Staff of  
brigadier-  
general.

1929. *Medical department.* The medical department shall consist of one surgeon-general, with the rank of colonel on the staff of the commander-in-chief; two surgeons, with the rank of lieutenant-colonel on the staff of the brigadier-generals; five surgeons, with the rank of major; and twenty assistant surgeons, with the rank of first lieutenant, who

Medical  
depart-  
ment.

shall be promoted to captains after five years service. The assignments of medical officers to duty shall be made by the commander-in-chief, upon the recommendation of the surgeon-general. The number of sergeants, first class; sergeants, corporals, privates, first class; and privates of the hospital corps, shall be designated by the commander-in-chief, but shall not exceed such a number as may be required to make the proper details to the various organizations, as prescribed by the United States Army regulations, manuals, or orders *provided*, that in emergencies, or when there is great necessity therefor, the commander-in-chief may authorize the enlistment of not to exceed one hundred additional men for the purpose of the temporary organization of an ambulance company or of a field hospital, or both, and such other detachments as the necessities of the service may require. Details of enlisted men of the hospital corps shall be made by the surgeon-general.

Company of engineers. 1930. *Company of engineers.* A company of engineers shall consist of one captain, one first lieutenant, one second lieutenant, and not less than fifty enlisted men.

Signal corps. 1931. *Signal corps.* Each company of signal men shall consist of one captain, one first lieutenant, one second lieutenant, and not to exceed fifty enlisted men.

Coast artillery. 1932. *Coast artillery.* The four companies of coast artillery shall be organized into a battalion, with the following designated officers and noncommissioned officers: One major, three extra first lieutenants, to be available for detail as battalion adjutant, battalion quartermaster, and battalion commissary, and such other details as may be authorized by law and regulations; one battalion sergeant major, one quartermaster sergeant, one commissary sergeant, one electrician sergeant, two color sergeants, and each company shall have the following officers: One captain, one first lieutenant, and one second lieutenant.

Cavalry. 1933. *Cavalry.* The four troops of cavalry shall be organized into a squadron, with the following designated officers and noncommissioned officers: One major, three extra first lieutenants, to be available for detail as squadron adjutant, squadron quartermaster, and squadron commissary, and such other details as may be authorized by law and regulations; one veterinarian (veterinary surgeon), one squadron sergeant major, one squadron quartermaster sergeant, one squadron commissary sergeant, and two color sergeants. Each troop of cavalry shall have the following officers: One captain, one first lieutenant, and one second lieutenant.

Infantry. 1934. *Infantry.* Each regiment of infantry shall consist of one colonel, one lieutenant-colonel, three majors; three extra captains, who shall be available for detail as regimental adjutant, regimental quartermaster, and regimental commissary; three extra first lieutenants, who shall be available for detail as battalion adjutants; three extra second

lieutenants, who shall be available for detail as battalion quartermasters and commissaries; one chaplain, with the rank of captain; one sergeant major, one quartermaster sergeant, one commissary sergeant, three battalion sergeants major, two color sergeants, one band, and not less than nine nor more than twelve companies, organized into three battalions. Each company of infantry shall have the following officers: One captain, one first lieutenant, and one second lieutenant.

1935. *Field music.* Upon the application of the commanding officer of a regiment, or of a battalion not part of a regiment, or squadron, the commander-in-chief may authorize the formation of the musicians of such organization into a separate body, to be known as "field music," to consist of the present enlisted musicians and such others as may hereafter be enlisted in or transferred to it as musicians. In regiments and battalions composed of companies, troops and battalions of different location, field musicians may be allowed on the basis of two to each company, to be enlisted by the direction of the commanding officer of and attached to the headquarters of such regiment or battalion. When such regiment or battalion is assembled for duty, the musicians allowed to the companies composing it shall be assigned to duty as part of the field music. The commanding officer of an organization of which field music is a part may appoint and warrant from its members one quartermaster sergeant, one sergeant, and one corporal.

## ARTICLE II.

### COMMISSIONED OFFICERS.

1951. *Commissions.* All officers shall be commissioned by the commander-in-chief, but he may refuse to issue a commission to any person elected or appointed if the person elected or appointed be in any way unqualified or unworthy to be an officer in the National Guard; but no one shall be commissioned unless the conditions set forth in sections 1953 and 1954 of this chapter have been complied with, and no one shall be recognized as an officer unless he shall have been duly commissioned and shall have taken the oath of office and qualified.

1952. *Rank of officers.* All officers of the National Guard must take rank according to the date assigned them by their commissions, which date shall be that of their election or appointment; and when two of the same grade are of the same date, their rank must be determined, first, by the length of previous service as an officer in the National Guard; second, by the length of previous military service in the National Guard; third, by lot. Officers of the National Guard are in all cases of superior rank to officers of the enrolled militia of the same grade, irrespective of the dates of their commissions.

Eligibility  
of commis-  
sioned  
officer.

1953. *Eligibility required to receive a commission.* Commissioned officers must be citizens of the United States, of the age of eighteen years and upwards. No person who has been expelled or dishonorably discharged from any military or naval organization of the United States, this state, or any other state in the union, shall be commissioned in the National Guard of California. No person shall be commissioned unless he shall possess the additional requirements herein prescribed for the particular office to which he is to be commissioned. A brigadier-general at the time of his appointment shall have served at least four years as an officer in the National Guard of California, or in the United States military service, or both, two years of which shall have been as a company officer, or as a field officer, or both. A field officer at the time of his election shall have served as a company officer at least two years in the National Guard of California, or in the United States military service, or both, and shall have qualified for such election or examination, as provided in section 1954. All surgeons and assistant surgeons of the National Guard shall be regularly graduated, licensed, and practicing physicians or surgeons, qualified to practice their profession in California. All judge-advocates of the National Guard shall be members of the bar of the supreme court of the State of California. All engineer officers of the National Guard shall be civil engineers. All chaplains shall be regularly ordained ministers.

Examina-  
tion.

1954. *Examination.* Before receiving a commission consequent upon an original appointment or election, or upon reappointment or re-election, or before being commissioned to a higher grade as a result of promotion, every officer must have passed a satisfactory physical examination before any surgeon of the National Guard, and a satisfactory examination before a board of commissioned officers as to his knowledge of military affairs and general knowledge and fitness for the service, and any one failing to pass such examinations shall not be eligible for an office in the militia of this state or for promotion for a period of one year after the date of such failure. General officers, officers on the staff of the commander-in-chief, judge-advocates, medical officers, and chaplains are exempt from examination.

Examin-  
ing boards.

1955. *Examining boards.* Boards of examination under the preceding section shall consist of three officers, two of which shall be line officers, and shall be from organizations in the immediate vicinity in which the board is to sit, to be detailed to sit at San Francisco, Sacramento, and Los Angeles, and shall be detailed by the commander-in-chief. Such boards shall have the same power to take evidence, administer oaths, and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court-martial. When returns of appointments or proceedings of election are received by a board, the persons appointed or elected shall by it be



ordered before it within twenty days for examination. The board shall thoroughly examine the candidate for a commission as to his military and general qualifications and under such regulations as the commander-in-chief may prescribe; and, if in the opinion of the majority of the board, he is duly qualified, the fact shall be duly certified to the commander-in-chief.

1956. *Elected officers.* Field officers of a regiment or battalion shall be elected by the field and company officers thereof, and they shall hold office for the term of four years. All company and troop officers shall be elected by the members of such organizations. Captains of such organizations shall hold office for four years, lieutenants shall hold office for three years. Elected officers.

1957. *Appointed officers.* The brigadier-generals of the National Guard shall be appointed by the commander-in-chief, by and with the advice and consent of the senate. During the time the senate is not in session the commander-in-chief may make such appointments subject to subsequent confirmation by the senate. The officers of the staff of a brigadier-general, the officers allowed to regiments, battalions and squadrons for staff duty, surgeons of brigades and surgeons and assistant surgeons of regiments, and of battalions and squadrons not part of regiments, assistant surgeons of separate troops or companies, and chaplains shall be appointed by the commander-in-chief, upon the recommendation of their immediate commanding officers, and shall hold office during the pleasure of their immediate commanding officer or until their successors are appointed and qualified. When the commander-in-chief creates new organizations, he shall have the power, in the first instance, to appoint all the officers necessary to commence and complete such organizations, such officers to hold office for the term of one year. Appointed officers.

1958. *Elections.* Two months previous to the expiration of the term of service of any officer, or upon a vacancy occurring among the officers of any organization attached to a brigade, the brigade commander must order an election therefor and designate an officer to preside thereat, who must give ten days notice of his appointment, of the time and place of holding the election, and of the office to be filled, which notice shall be issued and promulgated as orders usually are in the command. Such presiding officer must make return in duplicate of the election held, to the commanding general of the brigade, who shall forward one copy of said election return to the proper examining board and shall retain the other copy at his headquarters. Upon receiving notice from the examining board that the officer or officers-elect have passed a successful examination, which notice shall be endorsed upon the return of election sent to said board, he shall forward the same through regular military channels for approval to the adjutant-general, who, upon finding the Elections.

same in accordance with the provisions of law, orders, and regulations, must notify the commander-in-chief thereof for his consideration, who, if he approves, shall issue the commission. In all elections for commissioned officers a majority of the votes of those present (a majority of those entitled to vote being present) shall be necessary to a choice. Should there be no choice, the presiding officer shall adjourn the meeting to a time not to exceed fifteen days, and at that meeting conduct another election; and, if such second meeting result in no choice, the commander-in-chief shall be notified and may then fill the vacancy by appointment. If the officer elected or re-elected, and duly notified, does not appear before said examining board when summoned by them, he shall be deemed to have declined his commission, and there shall be another election ordered. The filing of a proper certificate of said board with the officer ordering the election, that the officer elected or appointed has failed to pass an examination, or declined to appear before the board when notified, shall be deemed sufficient for ordering a new election. When vacancies occur at an election through the promotion of any officer, such vacancies may then and there be filled without further order. The commander-in-chief will issue like orders to fill like vacancies in unattached organizations. The officer designated to preside thereat must make duplicate returns to the adjutant-general, and the commander-in-chief must designate the board to examine the officer or officers elected.

Appeal  
from an  
election.

1959. *Appeal from an election.* Every person deeming himself aggrieved by the proceedings at an election may appeal to the commander-in-chief by filing at the time of the election, with the presiding officer thereat, notice of such intended appeal, and forwarding to such presiding officer a full statement of the grounds of such appeal within ten days from date on which the election took place, who shall forward the same through channels, together with the other returns of said election, to the commander-in-chief. The commander-in-chief may direct, upon such appeal, an officer to take testimony in the case and to report his findings, and such officer shall have the same power to take evidence, administer oaths, issue subpoenas, and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court-martial.

Oath of  
office.

1960. *Oath of office.* Every officer duly commissioned shall, within ten days after his commission is tendered to him, or within ten days after he shall have been notified personally or by mail that the same is held in readiness for him by a superior officer, take and subscribe the oath prescribed in section 1982 of this chapter. In case of neglect or refusal to take and subscribe such oath within the time mentioned, such commission shall be canceled by the commander-in-

chief and a new appointment shall be made or a new election shall be ordered to fill the vacancy.

1961. *Resignations, how made.* Any officer resigning his commission must do so in writing, addressing the adjutant-general, giving his reasons for so resigning, and forward the same through intermediate commanders, who will make their indorsement thereon; and the resignation takes effect when accepted by the commander-in-chief and announced in orders. Resignations.

1962. *Effect of line officers accepting commissions on staff.* Any officer of a regiment, battalion, or company accepting any staff appointment, is held to have resigned the commission held by him at the time of said appointment. Line officers accepting staff appointment.

1963. *Retired list.* (1) Any commissioned officer who has become disabled from longer performing the active duties of his office, may, upon his own application, be placed upon the retired list; *provided*, that such disability shall have been incurred while in the performance of duty. Retired list.

(2) If an officer for the above-reason desires to be placed upon the retired list, he shall make application to the commander-in-chief to appoint a board of surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, they shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the commander-in-chief, the adjutant-general shall issue orders retiring such officer. Same.

(3) Any commissioned officer who shall have served as such in the National Guard of this state for a period of eight years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command with the rank held by him at the time such application is made. And any commissioned officer who shall have at any time heretofore served as such in the militia or National Guard of this state for a period of eight years, shall, upon his own application and due proof of such service, be placed upon the retired list with the rank held by him at the time of the expiration of his commission. Upon applications as above provided being duly made and approved, the commander-in-chief shall cause orders to be issued retiring the officer who makes application therefor, in accordance with the provisions of this section; *provided, however*, that nothing herein contained shall be construed to permit the placing upon the retired list of any officer who shall have been dishonorably dismissed from the service. Same.

(4) The officers on the retired list shall only be subject to detail for duty by orders from the commander-in-chief; and he shall cause to be issued such orders as he may deem necessary, detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are Same.

Retired list. detailed for active duty other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to pay of the rank which properly belongs to the office, the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officer shall again return to the retired list with his former retired rank. A roster of all officers on the retired list shall be kept in the adjutant-general's office.

Same. (5) Officers on the retired list may return to the active list by appointment or election, and when such term of appointment or election shall cease, may, upon application, be returned to the retired list with the rank previously held by them on said retired list.

Same. (6) Officers on the retired list shall, on all occasions of duty, and all occasions of ceremony, take rank next to officers of like rank upon the active list.

Discharge of officers.

1964. *Examination and discharge of officers.* The commander-in-chief, whenever he may deem that the good of the service requires it, or upon the request of a brigade commander, may order any commissioned officer before a board of examination, to consist of not less than three nor more than five officers, above the rank of captain, which is hereby invested with the powers of courts of inquiry and courts-martial, and such board shall examine into the moral character, capacity, and general fitness for the service of such commissioned officer, and record and return the testimony taken and a record of its proceedings. If the findings of such board be unfavorable to such officer and be approved by the commander-in-chief, he shall be dismissed from the service. No officer whose grade or promotion would in any way be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Failure to appear when ordered before a board constituted under this section shall be sufficient ground for a finding by such board that the officer ordered to appear be discharged.

Absence or removal, when deemed resignation.

1965. *Absence or removal; when deemed resignation.* Any commissioned officer who absents himself from the state for more than thirty days, without the permission of the commander-in-chief, is deemed to have resigned, and such resignation shall be announced in orders from the adjutant-general's office immediately after the fact of such absence becomes officially known.

Officers re-elected not to be re-commissioned.

1966. *Officers re-elected not to be re-commissioned.* When new commissions may be issued. When an officer is re-elected, no new commission issues; but a certificate of such election must be issued to him by the adjutant-general. In the event of a commission being lost or destroyed, on satisfactory proof being given of the same, the commander-in-chief shall issue a new commission, with rank from date given in former commission.

1967. *Dishonorable discharge bar to re-entry and to holding office.* No dishonorably discharged officer of the National Guard of California shall be permitted to hold any office of trust or emolument, or be permitted to again enter any company of the National Guard, or to be commissioned in the National Guard, except the offense be pardoned by the commander-in-chief. Dishonorable discharge, effect of.

1968. *Brevet commissions.* The commander-in-chief may, upon the recommendation of their commanding officers, confer brevet commissions of a grade next higher than the ordinary or brevet commissions ever held by them, upon officers of the National Guard in active service for gallant conduct. Such commissions shall carry with them only such privileges or rights as are allowed in like cases in the military and naval service of the United States. Brevet commissions.

### ARTICLE III.

#### ENLISTED MEN.

1980. *Eligibility to membership.* Any male who is a citizen of the United States or has declared his intention to become a citizen, of more than eighteen and less than forty-five years of age, able-bodied, free from disease, of good character and temperate habits, may be enlisted in the National Guard of this state, under the restrictions of this article, for a term of not less than three years; *provided*, that any man having served one enlistment satisfactory may re-enlist for one, two or three years at his option; *and provided further*, that boys may be enlisted as musicians, if more than sixteen years of age. No minor shall be enlisted without the written consent of his parent or guardian. A man who has been expelled or dishonorably discharged from any military organization of the state or the United States shall not be eligible for enlistment or re-enlistment unless he produce the written consent to such enlistment of the commanding officer of the organization from which he was expelled or dishonorably discharged. Men who have been discharged by reason of disbandment may be enlisted and shall then receive credit for the period served at the time of such disbandment. Bandmasters, drum majors, chief trumpeters, veterinary sergeants, members of the hospital corps, and musicians may be enlisted as such. Eligibility to membership.

1981. *Application for membership.* Application or propositions for membership in any troop, company, organized corps, or naval division of the National Guard shall be made only at a regular weekly meeting or assemblage of such organization; and the names of such applicants shall be posted in a conspicuous place in its headquarters or armory, until the next succeeding regular weekly meeting or assemblage of such organization, at which time, and not before, such applicant may be balloted for. Application for membership.

Oath of  
officers and  
members.

1982. *Oath of officers and members.* All officers and enlisted men of the National Guard, on becoming members and before performing duty and at each subsequent re-enlistment, must take and subscribe the following oath, which all commissioned officers thereof are authorized to administer: "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will maintain and defend the laws and all officers employed in administering the same." Which oath, certified by the officer administering the same, must be forwarded to the adjutant-general and be preserved with the rolls of companies. Oaths of re-enlistment shall show on the margin the number of the enlistment.

Transfers.

1983. *Transfers.* Enlisted men may be transferred upon their own application in the same regiment, battalion or squadron not part of a regiment, from one company or troop to another, by the commanding officer of such regiment, battalion or squadron; from one regiment, battalion or squadron not part of a regiment, signal corps; unattached troop or company, to another in a brigade, by the commanding general of that brigade; from an organization in one brigade to an organization in another brigade, by the commander-in-chief. Noncommissioned officers must be reduced to the grade of private before they can be transferred. No transfer shall be made except upon the approval of the commanding officers of the organizations affected.

Noncom-  
missioned  
officers.

1984. *Noncommissioned officers.* Commanding officers of regiments and of battalions and squadrons not part of regiments shall appoint and warrant the noncommissioned officers of their respective regiments, battalions, or squadrons, and they shall in their discretion warrant the noncommissioned officers of the troops and companies of their respective regiments, battalions, and squadrons from the members thereof, upon the written nomination of the commanding officers of the troops and companies, respectively. In troops and companies not part of a regiment, battalion, or squadron, but attached to a brigade, the noncommissioned officers shall be warranted by the brigade commander, in his discretion, from the members thereof, upon the written nomination of the commanding officer of such troop or company. In troops, companies, and corps not attached to a brigade, regiment, battalion, or squadron, the noncommissioned officers shall be warranted by the adjutant-general, in his discretion, from the members thereof, upon the written nomination of the commanding officer of such troop, company, or corps. The officer warranting a noncommissioned officer shall have power to reduce to the ranks, for good and sufficient reasons, the noncommissioned officers warranted in accordance with this section; but such as were enlisted as noncommissioned officers shall be discharged.

1985. *Discharges; when and by whom granted.* Any enlisted man may be honorably discharged before the expiration of his term of service by order of the commanding officer of the regiment or unattached battalion, or, if a member of an unattached company, troop, or battery, by the brigade commander or the commander-in-chief, upon the recommendation of his commanding officer, for any of the following reasons: To accept promotion by commission; upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of the commanding officer, he can not properly perform his military duty; and upon disability, established by certificate of a medical officer; any enlisted man may also be discharged by the commanding officer of the regiment or unattached battalion; or, if a member of an unattached company, troop, or battery, by the brigade commander or the commander-in-chief; whenever the commanding officer of a company shall approve the application of two thirds of the members of the company requesting the discharge of an enlisted man thereof, and if, at a regular meeting of a company, or at a meeting called for that purpose, two thirds of the members of the company desire by vote the discharge of one of their members, an application for the discharge of such soldier shall be made by the commanding officer thereof. Or he may be dishonorably discharged for either of the following reasons: Upon conviction of felony in a civil court; for neglecting or refusing to pay any fine imposed by any military court within thirty days after it was imposed; by sentence of a court-martial. A character shall be attached to all written discharges, and a written discharge specifying character shall be furnished all who are honorably discharged. Every member of the National Guard dishonorably discharged from the military service of the State of California shall be disfranchised for the period of one year next ensuing such discharge, in addition to penalties provided in section 1967. The discharges herein provided for shall be made by the commanding officer of the regiment or unattached battalion, and in the case of members of unattached companies, troops, or batteries, by the commanding general of the brigade of which said unattached organization is a part, or by the adjutant-general.

1986. *Dishonorable discharge bar to re-entry and to holding office.* No enlisted man dishonorably discharged from the National Guard shall be permitted to again enter any company of the National Guard, or to be commissioned in the National Guard, except the offense is pardoned by the commander-in-chief.

Dis-  
charges.Dishonor-  
able dis-  
charge a  
bar.

## ARTICLE IV.

## SERVICE OF NATIONAL GUARD.

Drills and  
parades.

2003. *Drills and parades.* Officers and enlisted men of each troop, signal corps and company must assemble for drill and instruction at least three times each month, at intervals of not less than one week, except in the month of December of each year. In addition to such drills and instructions, the commanding officer of any organization may require officers and enlisted men of his command to assemble for drill or instruction at such other times and places as he may appoint; *provided*, that no commanding officer shall order a parade without the approval of the commanding general of the brigade to which his organization is attached, or of the commander-in-chief. All mounted companies must drill mounted at least four times each year. Upon receptions, or upon the celebration of any event of public importance, the commander-in-chief, or the commanding general of a brigade, may order out any portion of the National Guard under his command to join in such parade.

Disbanded,  
when.

2004. *Companies parading with less than thirty-two members may be disbanded.* Any company parading at any of the parades or drills in this article provided for with a less number than thirty-two, rank and file, must be reported to the adjutant-general, and by him reported to the commander-in-chief, who, in his discretion, may disband the same.

Camps of  
instruc-  
tion.

2005. *Camps of instruction.* Each troop, signal corps, or company not specially excused by the commander-in-chief, will be required to participate for at least five consecutive days annually in practice marches or camps of instructions, under such regulations as the commander-in-chief may prescribe, and under such instructors as he may appoint. Any company failing to report for duty at any camp of instruction must be reported to the adjutant-general, who must report the same to the commander-in-chief, who may, in his discretion, disband it.

Absence  
from  
drills;  
penalty.

2006. *Penalty for absence from drills.* All officers or members of the National Guard who absent themselves from three consecutive assemblages, without an excuse acceptable to their respective commanding officers, are debarred from the privileges and exemptions provided for members of the National Guard; and all noncommissioned officers or privates upon being reported as having been so absent shall forthwith be court-martialed by order of the regimental or unattached battalion or squadron commander in their respective commands, and in all other organizations not attached to regiments, battalions, or squadrons but attached to brigades, by order of the brigade commander, and in all unattached organizations, by order of the commander-in-chief, and, upon



conviction by such court-martial, which may be by summary court-martial, the delinquent shall be punished by dishonorable discharge from the service or fined. No fine imposed shall be less than five dollars nor more than fifty dollars. The proceedings of such court shall be subject to approval and review as in other cases.

2007. *Record of attendance. Monthly returns.* Commanders of companies must cause to be kept a book in which must be entered the names and numbers of officers, noncommissioned officers, and privates, respectively, present at each drill, and must therefrom make monthly returns, said returns to be forwarded through military channels to the adjutant-general. The books kept in accordance with the provisions of this section must be carefully preserved, and when filled, forwarded to the adjutant-general's office.

Record of attendance.

Monthly returns.

2008. *Inspection and muster. Muster rolls.* During each calendar year preceding the annual allotment of funds for military purposes under the Revised Statutes of the United States, the commander-in-chief shall cause an inspection and muster of the National Guard to be made. Said inspection may be made by an officer of the United States Army.

Inspection and muster.

2009. *Small arms practice.* To encourage marksmanship, the commander-in-chief is authorized to offer annually a state decoration to those who shall excel in small-arms practice, to be competed for under regulations prescribed by the commander-in-chief.

Small arms practice.

2010. *War service.* Service by any person in the United States Volunteers, or in the United States Army or Navy, in the time of war, insurrection, or rebellion, shall be considered as continuous service in the National Guard for any and all purposes regarding privileges and exemptions provided by law for members of the National Guard by enlistment or commission; *provided*, that continuous service for an officer shall include only the time he was commissioned as such.

War service.

2011. *Service medals.* The state shall provide a service medal of appropriate design and material, to be determined by the commander-in-chief. Such medal or medals to be issued for ten, fifteen and twenty years of active service in the National Guard. There shall be no other or different medals for service. Such medals shall be prepared and issued free of cost to those entitled to same, by the adjutant-general, only upon application of the party entitled thereto, and upon proof of such service from the records of the National Guard.

Service medals.

2012. *Discipline and exercise.* The system of discipline and exercise of the National Guard of this state shall conform generally to that of the Army of the United States as it is now or may hereafter be prescribed by the President, and to the provisions of the laws of the United States, except as otherwise provided for in this chapter.

Discipline and exercise.

Warning  
for duty.

2013. *Warning for duty.* Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order, or reading the order to the person warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at the last known place of abode or business of such person with some one of suitable age and discretion, or by sending a copy of such order or notice by mail directed to him at his last known place of abode or business or to the postoffice nearest thereto. Such warning may be given by any officer or noncommissioned officer. The officer or noncommissioned officer giving such warning shall make a return thereof containing the names of the persons warned, and the time, place, and manner of warning. Such return shall be verified by his oath, which may be administered by any commanding officer; such verified return shall be as good evidence on the trial of any person returned as a delinquent, of the facts therein stated, as if such officer or noncommissioned officer had testified to the same before the delinquency court on such trial. Every commanding officer shall make like return, on honor, and with like effect, of every delinquency and neglect of duty of his officers and noncommissioned officers, and also of every enlisted man, who shall refuse or neglect to perform such military duty as may be required.

Excuses  
from duty.

2014. *Excuses from duty.* The officer ordering any military duty shall have the power to excuse any officer or enlisted man for absence therefrom upon good and sufficient grounds.

## ARTICLE V.

### MILITARY COURTS.

Military  
courts.

2018. The military courts of this state shall be:

- (1) General courts-martial.
- (2) The summary court.
- (3) Courts of inquiry.

Jurisdic-  
tion.

The constitution and jurisdiction of courts-martial, summary courts, and courts of inquiry, the form and manner in which the proceedings of such courts shall be conducted and recorded, the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revision thereof, shall be governed by the Articles of War and the law and procedure of similar courts of the United States, except as otherwise provided in this title.

Courts-  
martial,  
who may  
appoint.

2019. *Who may appoint courts-martial.* The following officers may appoint courts-martial:

- (1) The commander-in-chief, for the trial of all officers of the National Guard, retired officers, and all officers of the staff of the commander-in-chief.

(2) The brigade commander, for the trial of all officers and enlisted men in his brigade, except retired officers.

(3) The commanding officers of regiments, of unattached battalions, and the Naval Militia, for the trial of all enlisted men in their respective commands. For the trial of enlisted men of regiments or battalions or the Naval Militia, the commanding officer thereof may at any time appoint a summary court-martial, to consist of one officer, whose rank is not below that of captain in the National Guard, or the corresponding rank in the Naval Militia. For the trial of enlisted men of unattached companies, troops, or batteries the commander-in-chief may, at any time, appoint a summary court-martial, to consist of a first lieutenant.

2020. *Powers.* Courts-martial have power, on conviction, to punish by expulsion or dismissal, or by depriving officers of their rank, or by such other and usual military fines and penalties as are customary in the Army of the United States, in addition to penalties herein prescribed.

Powers of  
courts-  
martial.

2021. *Revision and approval of sentence.* The officer appointing a court-martial must review the proceedings and approve or disapprove the sentence of such court-martial, and must direct the execution of such sentence, or mitigate the punishment, or may remit the sentence of the person convicted; *provided*, that an officer so sentenced may within fifteen days after official publication of the action of the reviewing officer appeal to the commander-in-chief to review the proceedings and to disapprove them or pardon the offense, in which case the officer approving the sentence will forward the proceedings in the case to the commander-in-chief, and the execution of the sentence must be suspended until the proceedings are returned with the decision thereon; *provided*, that no commissioned officer shall be dismissed from the service without the approval of the commander-in-chief; *provided further*, that an enlisted man belonging to an organization attached to a brigade may appeal in like manner to the brigade commander, and, if to an unattached organization, to the commander-in-chief; and the sentence must be suspended in the same manner as provided for in the case of commissioned officers.

Revision  
and ap-  
proval of  
sentence.

2022. *Service of charges.* When an officer or enlisted man is put in arrest for the purposes of trial, a copy of the charges and specifications upon which he is to be tried shall be delivered to him or left at his last known place of abode or business, within twenty days after his arrest, and a court shall be ordered for his trial within thirty days after the notice of arrest is received by the officer authorized to order the court. If a copy of the charges and specifications be not served, or a court not ordered within the time herein limited, the arrest shall cease, but such charges and specifications may be served, a court ordered, and the officer or enlisted man be brought to trial within twelve months after such release from

Service of  
charges.

arrest. The appearance of the accused, without objection and pleading to the charges, shall be deemed a waiver of any defect or irregularity of such service of any of the papers mentioned in this section.

Subpœnas,  
etc.

**2023.** *Subpœnas, attachments, commissions.* Each military court shall have the same power to compel by subpœna, by subpœna *duces tecum* and by attachment, the attendance of witnesses, both civilian and military, and the production of books, papers and documents, and to punish for contempt a witness duly subpœnaed for non-attendance, or refusal to be sworn or testify, or to produce books, papers and documents, as is possessed by any superior court of this state. Military courts shall also have power to take by commission the testimony of witnesses who can not reasonably be produced at the trial to the same extent as the superior court aforesaid. Commissions and subpœnas may be issued by the president or the judge-advocate, if there be one, of the court, both before and after being sworn, for witnesses whose attendance or testimony before such court may be necessary in behalf of the people of the state, and upon application in behalf of any person to be tried by such court, and the president or the judge-advocate may direct the commanding officer of any organization to cause such subpœna to be served on any member of his command. A witness not appearing in obedience to a subpœna when served personally with a copy of the same, and not having sufficient excuse, shall forfeit to the people of the state the sum of twenty-five dollars. The president of each court shall, from time to time, report to the judge-advocate-general the names of all such delinquent witnesses, together with the names and places of residence of the person serving such subpœna, and a judge-advocate may sue for and recover such penalties in the name of the people.

Form of  
mandates.

**2024.** *Form of mandates; execution by public officers.* Military courts are empowered to issue all process and mandates, including writs and warrants, necessary and proper to carry into full effect the powers vested in said courts. Such process and mandates may be directed to the marshal of the court, the sheriff of any county, and the constables and marshals of any town or city, and shall be in such form as may, from time to time, be prescribed by the commander-in-chief in the regulations issued by him under this chapter. It shall be the duty of all officers to whom such process or mandate may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same. The keepers and wardens of all city or county jails shall receive the bodies of persons committed by the process or mandate of a military court and confine them in the manner prescribed by law. Except as otherwise specially provided in this chapter, no fees or charges of any nature shall be demanded or required to be paid by the state, or any military court or member thereof, or by the person executing its

mandate or process, or to any public officer, for receiving, executing, or returning any such process or mandate, or for any service in connection therewith, or for receiving or confining a person in jail or custody thereunder.

2025. *Commitments for disorderly conduct.* Any person who shall be guilty of disorderly, contemptuous, or insolent behavior in, or use insulting or contemptuous or indecorous language or expressions to, or before, any military court, or any member of such court in open court, tending to interrupt its proceedings or to impair the respect due to its authority, or who shall commit any breach of the peace or make any noise or other disturbance directly tending to interrupt its proceedings, may be committed by warrant under the hand of the president of the court to the jail of the city, county, or city and county in which said court shall sit, there to be confined for a period of time not to exceed three days.

Commitments for disorderly conduct.

2026. *Fines, how collected.* For the purpose of collecting fines or penalties imposed by courts-martial, the president of any such court must make a list of all such fines and penalties, and of the persons against whom they have been imposed, and must, within fifteen days after the fines and penalties have been imposed, issue a warrant under his hand, directed to any sheriff or constable of the county, commanding him to levy and collect such fines, together with costs, upon and out of any property of the person against whom the fine or penalty was imposed; and such warrant may be executed and renewed in the same manner as executions issued from justices' courts are executed and renewed.

Fines, how collected.

2027. *Fines and penalties for non-attendance at parades, etc.* Every commissioned officer and every enlisted man not excused as provided in section 2014 shall, on conviction of the offenses following mentioned be subject to the fines and penalties thereto annexed:

Fines and penalties.

(1) Every commissioned officer, for disobedience to orders or neglect of duty, unofficerlike conduct, disrespect to a superior officer, for non-attendance at any parade or encampment; and every officer or enlisted man neglecting or refusing to obey the lawful orders of a superior officer, or departing from post or guard; or leaving his proper station without permission, a fine of not more than one hundred dollars nor less than five dollars, and in addition thereto, in the discretion of the court, the officer may be dismissed from the service.

Same.

(2) Every enlisted man, for non-appearance, when duly warned or summoned, at a troop, battery, or company drill, or parade, a fine of two dollars for each offense; and in case of a troop parading mounted, a fine of six dollars; at a regimental or battalion parade, not less than three nor more than six dollars for each offense; and for disobedience of orders, disrespectful or insubordinate conduct, a fine not to exceed fifty dollars; and, in addition to any fine imposed, in the discretion of the court, the offender may be dishonorably discharged from the service.

Same.

Exemption from liability

2028. *Exemption from liability.* No officer by whom a military court is ordered, or member of any such military court, or officer or person acting under its authority or reviewing the proceedings thereof or enforcing the process or sentence thereof shall be liable civilly or criminally for any act done in such capacity.

## ARTICLE VI.

### ARMS, UNIFORMS AND EQUIPMENT.

Equipment of organizations.

2039. *Equipment of organizations.* All organizations shall be provided by the state with such arms, equipments, colors, camp and garrison equipage, books of instruction and record, and other supplies as may be necessary for the proper performance of the duty required of them by this chapter; and each organization shall keep such property in proper repair and in good condition.

Equipment of commissioned officers

2040. *Equipment of commissioned officers.* Every commissioned officer shall provide himself with arms, uniforms, and equipments prescribed and approved by the commander-in-chief.

Uniform of enlisted men.

2041. *Uniform of enlisted men.* Every enlisted man who enters the service of the state shall be furnished by the state with a service and dress uniform corresponding in make and general appearance to the service and dress uniform of the United States Army.

Full dress uniform.

2042. *Full dress uniform.* Regiments, and battalions and squadrons not part of regiments, may, with the consent of the commander-in-chief, adopt a distinctive full dress uniform at their own expense.

Purchase of uniforms and equipments.

2043. *Purchase of uniforms and equipments.* The commander-in-chief shall detail a board of three commissioned officers, who shall advertise for bids when necessary for the furnishing and making of the articles of uniforms and equipments provided by the state, and shall enter into contracts with the lowest responsible bidder or bidders. The bills of said board shall be audited, allowed, and paid as are other military demands. No accounts for furnishing uniforms or other parts of uniforms shall be audited unless accompanied by a certificate of an inspecting officer detailed by the adjutant-general, to the effect that the material used is of the quality prescribed by the commander-in-chief and that the articles are well made, as specified in the contract under which they are supplied.

Property accounted for.

2044. *Property purchased with state money must be accounted for in annual muster roll.* All military property purchased out of the moneys allowed by the state shall be held to be the property of the state, and must be enumerated in the annual muster roll next following its purchase.

2045. *Responsibility for public property.* Every officer and enlisted man to whom property of the state has been issued shall be personally responsible to the state for such property, and no one shall be relieved from such responsibility except it be shown to the satisfaction of the commander-in-chief that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; in all other cases the value of the property lost or destroyed shall be charged against the person at fault or to the organization to which it had been issued, and such person or organization, if not relieved from such charge by the commander-in-chief, shall pay the value of such property to the adjutant-general within two years after such loss or destruction. The value of lost or destroyed property and the person or organization to be charged therewith shall be determined by a board of officers.

Responsibility for public property.

2046. *Use of state and company property.* (1) No soldier shall wear or use, except when on military duty, or by special permission of his commanding officer, any uniform or other article of military property belonging to the state, or to the company of which he is a member.

Use of state and company property.

(2) No officer in charge of public property for military use shall transfer any portion thereof, either as a loan or permanently, without the authority of the commander-in-chief.

## ARTICLE VII.

### PAY AND ALLOWANCE.

2076. *Pay of officers while on active duty.* Officers while on active duty in the service of the state shall receive the same pay and allowance as officers of similar grade in the United States Army, and enlisted men while on active duty in the service of the state shall receive two dollars per day; *provided*, that no pay be allowed to any officer or enlisted man when on duty in any state camp mentioned in section 2005 of this act, except enlisted men of the band, who shall receive three dollars per day during encampments properly authorized by the commander-in-chief, and in any camp held in pursuance of order from the commander-in-chief each mounted officer and enlisted man shall receive two dollars per day for the horse necessarily used by him at such encampment; *and provided further*, that all enlisted men in attendance at joint maneuver camps of National Guard and United States Army shall receive one dollar per day in excess of the government pay per day at such camp.

Pay of officers while on active duty.

2077. *Pay of officers when detailed on special duty.* When an officer is detailed for special duty in any manner relating to the National Guard, by order of the commander-in-chief, or by order of the brigade, regimental, or battalion commander, on approval of the commander-in-chief he must be allowed three dollars per diem and actual traveling expenses.

Pay of officers on special duty.

Allowance  
for officers.

2078. *Allowance for officers.* Line officers below the grade of major shall receive annually the sum of twenty-five dollars to assist in uniforming and equipping themselves, *provided* they have attended eighty per centum of all assemblages for the preceding year.

Allow-  
ances for  
organi-  
zations.

2079. *Allowances for military organizations. Military fund.* There must be audited and allowed by the adjutant-general, and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry or artillery company, or company of signal men of the National Guard, the sum of one hundred dollars per month; to the commanding officer of each light battery having not less than four guns, with which they regularly drill and parade, and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month; and to the commanding officer of each division of the Naval Militia, the sum of one hundred dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriation, to the commanding officer of each regiment or battalion, the sum of six dollars per month for each company in his command, for clerical expenses, stationery, printing, postage, and proper incidental expenses, and if the regiment or battalion has four companies or more, and has attached to it an organized and uniformed band of not less than twenty people, the additional sum of thirty-five dollars per month for such band; to the brigadier-general of each brigade, five dollars per month for each company in his brigade; to the surgeon-general, the sum of twenty-five dollars per month, for rent and proper incidental expenses; and to the adjutant-general, ten thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant-general, and paid out of the appropriation for military purposes, to the surgeon in charge of each detachment of the medical department on duty with a regiment, and to the chief surgeon of the Naval Militia, not to exceed the sum of fifty dollars per month, for rent and proper incidental expenses of such detachment. No claims shall be allowed under the provisions of this section except upon demands made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the National Guard, or notary public, and forwarded through the regimental, independent battalion, squadron or company headquarters, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant-general; *provided*, that the adjutant-general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided for.



2080. *Annual allowance to companies.* The annual sum of two hundred and fifty dollars must be audited by the adjutant-general, and paid out of the appropriation for military purposes, to each company of the National Guard. The amount so audited and allowed must be paid to the commanding officer of such companies for the use thereof. Annual allowance to companies.

2081. *Bonds of officers; captain ex-officio company treasurer.* All officers of the National Guard having in their possession or under their control property or money of the state or of the United States or of any company must give such bonds and security as may be required by the adjutant-general to secure the state from loss on account of the misuse or misapplication of any state or company property or funds. Said bond must be with two or more good and sufficient sureties, or as provided in section 1056 of the Code of Civil Procedure, conditioned upon his faithful performance of all duties, and accounting for all property and moneys, including company funds, of which the commanding officer, who is ex-officio treasurer, shall be custodian. Bonds of officers.  
  
Captain ex-officio company treasurer.

2082. *Transportation of arms.* The transportation of arms, equipments, and military stores issued to troops or received by the state, and all other military transportation, must be contracted for by the adjutant-general, under the direction of the commander-in-chief; and vouchers for such transportation, when approved by the adjutant-general, must be paid from the appropriation for military purposes, on the warrant of the state controller. Transportation of arms.

2083. *Adjutant-general to audit claims.* The adjutant-general must audit and allow all proper claims against the military fund incurred by troops in the service of this state and by officers attached to the same. Audit of claims.

2084. *Duties of controller and treasurer.* The controller of the state must draw his warrants for any amount approved and allowed as provided in this title, and the treasurer of the state must pay the same out of the appropriation for military purposes, if not otherwise provided. Duties of controller and treasurer.

2085. *Claims exempt from board of examiners.* Claims audited and allowed as provided in this chapter are exempt from the provisions of Article XVIII of Chapter III, Part III, of this code. Claims exempt from board of examiners.

2086. *Salaries, adjutant-general's office.* There shall be allowed and paid out of the general fund in the state treasury the following salaries, payable monthly: Salaries of employes of adjutant-general.

- (1) To the adjutant-general, three thousand dollars per annum.
- (2) To the assistant adjutant-general, two thousand four hundred dollars per annum.
- (3) One chief clerk, eighteen hundred dollars per annum.
- (4) Three clerks, sixteen hundred dollars each per annum.
- (5) One stenographer, twelve hundred dollars per annum.
- (6) One armorer and porter, twelve hundred dollars per annum.

## ARTICLE VIII.

## PRIVILEGES, PROHIBITIONS, ETC.

Exemption  
from  
arrest.

2093. *Exemption from arrest.* No person belonging to the military forces is subject to arrest on civil process while going to, remaining at, or returning from, any place at which he may be required to attend for military duty.

Right of  
way,  
freedom  
from inter-  
ference.

2094. *Right of way. Freedom from interference.* The commanding officer of any portion of the active militia parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such militia; *provided*, the carriage of United States mail, the legitimate functions of the police, and the progress and operations of the hospital ambulances and fire engines and fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay or obstruct any portion of the active militia whenever parading or performing any military duty, or who shall attempt so to do, shall be guilty of a misdemeanor.

Trespassers  
and dis-  
turbers to  
be placed  
in arrest.

2095. *Trespassers and disturbers to be placed in arrest.* The commanding officer upon any occasion of duty may place in arrest during the continuance thereof any person who shall trespass upon the camp ground, parade ground, armory, or other place, or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty.

Bands.

2096. *Bands.* When bands of music have not been organized for any regiment or battalion in the manner provided in the regulations of the Army of the United States, such regiment or battalion, through its commanding officer, may hire the services of any band of musicians; and the persons so employed are, during the term of their engagement, subject to the same laws and regulations that govern the military with which they may serve.

Decorations  
and  
medals.

2097. *Decorations and medals.* The insignia of the Veterans of the Mexican War, the Military Order of the Loyal Legion, the Grand Army of the Republic, the United Spanish War Veterans, and of the armies or army corps, indicating actual services in the field, medals presented by the United States, and state, or by the Native Sons of the Golden West, indicating service in the Spanish-American War, and badges indicating long and faithful service in the National Guard of this and other states, and state decorations for marksmanship, may be worn by officers and men of the National Guard entitled to them, upon the breast, in one line, on the dress or full dress uniform coat, the top of the ribbons on a line with the armpit, in the order named above, from right to left. No other medals, badges, ribbons, or decorations shall be worn.

2098. *Exemptions, etc.* (1) All officers and enlisted men of the National Guard who comply with all military duties, as provided by law and regulations, are entitled to the following privileges and exemptions, viz: Exemption from road tax and head tax of every description, except poll tax provided for in article thirteen, section twelve, of the Constitution; exemption from jury duty, and service on any posse comitatus. All officers and enlisted men who have faithfully served in the military service of this state for the space of seven consecutive years, or eleven years not consecutive, and received the certificate of the adjutant-general certifying the same, are thereafter exempted from further jury duty and military duty except in time of war. And the adjutant-general must issue such certificate of exemption when it appears that the party applying is entitled to the same.

Exemptions and privileges.

(2) Officers and enlisted men heretofore or hereafter honorably discharged or mustered-out of the service by reason of the disbandment or consolidation of any organization, or by the provisions of any act of the legislature, shall be, and the same are hereby entitled to all the privileges and exemptions mentioned in this section, upon making a proper application therefor; *provided*, they shall have served at least five years continuously in the National Guard.

Same.

(3) Former members of the National Guard who have been honorably discharged for "expiration of term of service" or on account of "removal," and have returned to the limits of their commands, and officers who have resigned, been honorably discharged, or whose terms have expired, who re-enlist or re-enter the National Guard within ninety days from the date of their discharge or the expiration of their term of office, will be given credit for continuous service and the enlistment considered consecutive.

Same.

2099. *Casualties in the National Guard; how provided for.* Every officer or enlisted man wounded or disabled in the service of the state shall have reasonable expenses paid him; and the widow and children of every officer or enlisted man killed in the service of the state shall be suitably provided for by the legislature.

Wounded or disabled officer or enlisted man, how provided for.

2100. *By-laws.* Regimental, battalion, and company rules of government and by-laws, regularly adopted by a majority of the elected officers of such regiments and battalions, or members of companies, and approved by the commander-in-chief, may be adopted and enforced in such regiments, battalions, and companies, if they are not in conflict with the laws and regulations of this state.

By-laws.

2101. *Fines.* All fines and penalties for non-attendance upon drills, parades, and inspections, legally determined and imposed under the provisions of such rules and by-laws provided in section 2100, may be collected by action in justices' court, in the name of the people of the State of Cali-

Fines.

fornia; and the books and records of regiments, battalions, and companies, and the proceedings under which delinquents are fined, are prima facie evidence of the facts therein stated.

Honorary members.

2102. *Honorary members.* Each company, troop, or battery may have not to exceed ten honorary members, who shall pay fifty dollars per annum into the company, troop, or battery, and shall thereupon be entitled to all exemptions to which those on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership.

Rules and regulations.

2103. *Rules and regulations.* The commander-in-chief is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this act, and, as nearly as practicable, to those governing the United States army, and when promulgated shall have the same force and effect as the provisions of this chapter. The rules and regulations in force at the time of the passage of this chapter shall remain in force until new rules and regulations are approved and promulgated.

Customs and usages of U. S. army to regulate.

2104. *Custom and usage of the United States army.* All matters relating to the organization, discipline and government of the National Guard not otherwise provided for in this title or in the general regulations shall be decided by the custom and usage of the United States army or navy, respectively.

Colors.

2105. *Colors.* The colors carried by organizations of the National Guard shall be such as are borne by similar organizations of the United States army, except that the regimental or battalion colors shall have thereon the state coat-of-arms, instead of the arms of the United States; and no military organization provided for by the constitution and laws of the state and receiving state support, shall, while under arms, either for ceremony or duty, carry any device, banner, or flag of any state or nation, except that of the United States, or the State of California.

No fees for administering oaths.

2106. *No fees allowed to officers for administering oaths.* No officer, civil or military, qualified to administer oaths, shall charge or receive any fee or compensation for administering, or certifying any oaths administered or certified, under the provisions of this title.

## ARTICLE IX.

### NAVAL MILITIA.

Divisions of Naval Militia.

2111. *Divisions.* The organized Naval Militia of California shall consist of seven divisions, including one engineer division. The Naval Militia shall be located throughout the coast of the state at the discretion of the commander-in-chief. The word "division" as used in this section in connection with the Naval Militia shall have the same meaning

and effect as "company" when used in connection with the infantry.

2112. *Organization.* The numerical strength, rank, titles, and insignia of rank of the divisions of the Naval Militia shall conform to the laws, rules, and regulations of the United States navy, so far as the same may be effectively applicable. The Naval Militia shall be commanded by a captain. There shall also be the following commissioned officers, viz: One commander and one lieutenant commander, who, in order of rank, in the absence or disability of the superior, shall perform his duties and shall at all times assist the commanding officer in the performance of his duties; one chief engineer, with the rank of lieutenant-commander, and one lieutenant. The lieutenant shall be subject to detail by the commanding officer of the Naval Militia as navigating and ordnance officer or such other proper detail as such commanding officer may desire. The above officers to be elected in the same manner and to hold office for the same term as field officers of the National Guard. All elections for officers in the Naval Militia shall be ordered by the commander-in-chief. There may also be a chaplain, who shall be of the same grade and rank as in the United States navy and who shall be appointed by the commander-in-chief. Each division of the Naval Militia shall be commanded by a lieutenant, and shall include one lieutenant junior grade, two ensigns, and not less than forty nor more than one hundred petty officers and seamen. The commissioned officers of each division shall be elected in the same manner and hold office for the same term as company officers of the National Guard. Officers of the Naval Militia may be retired as provided in section 1963. of this chapter. The lieutenant and the lieutenant junior grade of the engineer division shall each hold the grade of passed assistant engineer, and the ensigns of the engineer division shall each hold the grade of assistant engineer. All engineer officers shall be recognized engineers or machinists of at least two years standing. The pay department of the Naval Militia shall consist of one paymaster with the rank of lieutenant, and one passed assistant paymaster with the rank of lieutenant junior grade, who shall be staff officers, to be appointed and qualified as are other staff officers of the National Guard. The medical department of the Naval Militia shall be allowed the following commissioned officers, viz: One surgeon, with the rank of lieutenant, and there may be to each division of the Naval Militia one assistant surgeon with the rank of lieutenant junior grade. The appointment of the commissioned officers of the medical department of the Naval Militia shall be made by the commander-in-chief, and no person shall receive the appointment of surgeon or assistant surgeon unless he is a licensed graduate of a medical school, and unless he shall have been examined and approved by a medical board, consisting of not less than three surgeons, designated by the commander-in-chief, upon the recom-

Organiza-  
tion of  
Naval  
Militia.

Organiza-  
tion of  
Naval  
Militia.

mentation of the surgeon-general of the National Guard. All officers of the Naval Militia, prior to being commissioned, consequent upon an election, appointment, re-election, or re-appointment, shall be subject to examination as to qualification and general fitness for the service by a board of officers, to be detailed by the commander-in-chief. The warrant officers, chief petty officers, and petty officers of the Naval Militia shall be the same as in the United States navy and of such numbers as the exigencies of the service may require. Warrants for warrant officers may be issued by the adjutant-general upon the recommendation of the commanding officer of the Naval Militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the Naval Militia. The organization of the Naval Militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States, as it is now, or may hereafter be, prescribed by congress, and that prescribed by the provisions of the Political Code relating to the National Guard of California; and the commander-in-chief shall have power to alter, divide, annex, consolidate, or disband the Naval Militia, whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the Naval Militia; but such rules and regulations shall conform as nearly as practicable to those governing the United States navy. The commander-in-chief is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the navy, to act as inspectors and instructors in the art of naval warfare. Courts-martial for the Naval Militia, when necessary, shall be ordered by the commander-in-chief, and shall be organized and conducted under the laws, regulations, and usages of the United States navy and the provisions and sections relating to military courts in this chapter. The proceedings shall be reviewed and sentences executed as provided in this chapter.

SEC. 2. The provisions of this chapter shall be in force and effect from and after its passage and approval.

Placed on  
retired list,  
who.

SEC. 3. All officers of the National Guard deprived of office by reason of this act are hereby placed upon the retired list, with the rank held by each.

## CHAPTER CCLXXXIX.

*An act to repeal Chapter I of Title IV of the Political Code of California, and to substitute therefor a new Chapter I relating to the state militia.*

[Approved March 18, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter first of title fourth of the Political Code of California is hereby repealed and there is hereby substituted to take the place thereof in such code a new chapter first to read as follows:

Enrolled militia.

## CHAPTER I.

## ENROLLED MILITIA.

1895. *Who are subject to military duty.* Every able-bodied male citizen of this state, except Mongolians and Indians, between the ages of eighteen and forty-five years, not exempt by law, is subject to military duty. But no alien is obliged to serve or bear arms against the state to which his allegiance is due.

Who are subject to military duty.

1896. *Who are exempt from military duty.* The following persons are exempt from military duty and enrollment:

Who are exempt.

(1) Ministers of religion.

(2) Civil and military officers of the United States.

(3) Officers of foreign governments.

(4) Civil officers of the State of California.

(5) Members of any regularly organized fire or police department in any city, city and county, village or town.

(6) All persons exempted from military duty by the laws of the United States.

1897. *Assessor to enroll persons subject to military duty.* The county assessor of each county in this state must, at the same time in each year when he prepares a roll containing the taxable inhabitants of his district or county, enroll all the inhabitants thereof subject to military duty, two copies of which roll must be sworn to by him, and delivered to the clerk of the board of supervisors at the same time he delivers the assessment roll. In the city and county of San Francisco the tax collector must perform the duties by this section imposed upon assessors.

County assessor to enroll persons subject to military duty.

Duty of tax collector in San Francisco.

1898. *Penalty for dereliction as to enrollment.* If any assessor, or the tax collector of the city and county of San Francisco, neglects or refuses to perform any of the duties required of him by this chapter, he is subject to the same liabilities as are provided by law for a neglect or refusal to per-

Liability of person failing to perform duties.

- form any of the duties required of him in the assessment of taxes, and, in addition, forfeits not less than three hundred, nor more than one thousand, dollars, to be sued for in the name of the people of the state, by the district attorney for the respective counties and when recovered to be paid into the military fund of the state. If the clerk of the board of equalization neglects or refuses to deliver to the brigadier-general of the brigade to which his county belongs a copy of the military assessment roll, as directed in this chapter, he forfeits not less than three hundred, nor more than five hundred dollars, to be sued for, recovered, and disposed of in the same manner.
- Delivery of military assessment roll.** **1899.** *Board of equalization to correct the roll.* The board of equalization must correct the roll at the same time and in the same manner as is prescribed by law for the correction of the assessment roll.
- Duty of board of equalization.** **1900.** *Duplicate copy forwarded to brigadier-general.* The clerk of the board of supervisors must deliver to the brigadier-general of the brigade to which his county belongs a copy of such roll, certified by him, within ten days after the board of equalization have completed their corrections.
- Duplicate copy of roll furnished brigadier-general.** **1901.** *Compensation of assessors.* The compensation of assessors for making out the military roll must be determined by the board of supervisors of the several counties, at the rate of five dollars for each one hundred names of persons returned by the assessor as subject to military duty.
- Compensation of assessors.** **1902.** *Muster roll to be made by brigadier-general.* Each brigadier-general must, on the first Monday in October of each year, make from the rolls received by him a muster roll, showing the number of persons within the limits of his command subject to military duty, the original of which, signed by him, must be filed in his office, and a copy thereof transmitted at once to the adjutant-general.
- Muster roll.** **1903.** *Special enrollment.* Whenever the governor shall deem it necessary, he may order an enrollment, to be made by officers designated by him of all persons liable to serve in the militia. Such enrollment shall state the name, residence, age, and occupation of the persons enrolled, and their previous or existing military or naval service. Two copies shall be made thereof, one shall be filed in the office of the clerk of the county or city and county in which the enrollment is made, and the original in the office of the adjutant-general. If the commander-in-chief so directs, such enrollment shall show separately all the seafaring men of whatever calling or occupation, all men engaged in the navigation of the rivers, lakes, and other waters of the state, or in the construction and management of ships and crafts, together with ship owners and their employés, yacht owners, members of yacht clubs, and all other associations for aquatic pursuits.
- Special enrollment.** **1904.** *Notice of enrollment. Exemption claims.* The officer making the enrollment provided in preceding section, shall at the time of making the same, serve a notice of
- Notice of enrollment.**



such enrollment upon each person enrolled, by delivering such notice to him or leaving it with some person of suitable age and discretion, at his place of residence if known, if not known, then by mailing such notice to his last known place of residence. The return of the enrolling officer filed with the original roll showing such mailing of such notice shall be prima facie evidence of service. All persons claiming exemption must within fifteen days after receiving such notice, make a written statement of such exemption in duplicate, each verified by affidavit and file the same in the office of the county clerk, who shall retain one and forward the other to the adjutant-general within five days after receiving the same. Such affidavit shall be made before any officer authorized to administer oaths, including commissioned officers of the National Guard, for which such officer shall make no charge. Such clerk shall thereupon submit a list of those he considers exempt according to law to the adjutant-general for his approval and if approved shall mark the word exempt opposite their names; and the remainder of all thus enrolled, not thus found to be exempt shall constitute the militia of the state. The commanding officer of each organization in the National Guard and the heads of the fire or police department in each city, town, city and county, or county shall, whenever an enrollment is ordered, file in the office of such county clerk a certified list of the names of all persons in his command or department. All blank forms required by this section shall be furnished by the adjutant-general.

**1905. Examination of assessment rolls and poll lists.** Examination of assessment rolls and poll lists.  
All civil officers in each city, city and county, county or town in this state shall allow persons appointed to make such enrollment, at all proper times, to examine their records and take copies thereof. All persons shall, upon the application of any person making such enrollment, give the name of and all other proper information concerning any person within their knowledge liable to be enrolled, under a penalty of \$10.00 for every concealment or false information, or refusal to give the information requested, to be recovered in the name of the people in any court, with costs.

**1906. Designation and classification of the militia.** Designation and classification of the militia.  
The militia of the state shall be divided into two classes:  
(1) The *active* and  
(2) The *reserve* militia.

The active militia shall consist of the organized and uniformed military forces of the state, which shall be known as National Guard of California; the reserve militia shall consist of all those liable to serve in the militia, but not serving in the National Guard of California.

**1907. Commander-in-chief.** Commander-in-chief.  
The governor of the state, by virtue of his office, shall be the commander-in-chief of the militia of the State of California, except of such portions as may at times be in the service of the United States.

Staff of  
com-  
mander-  
in-chief.

1908. *Staff of commander-in-chief.* The staff of the commander-in-chief shall consist of one adjutant-general with the rank of brigadier-general, one assistant adjutant-general, one chief engineer, one judge-advocate-general, one assistant inspector-general (who shall be the officer regularly detailed on duty with the National Guard of California by the secretary of war), one surgeon-general, each with the rank of colonel; one aid-de-camp with the rank of commander, additional aids-de-camp with the rank of lieutenant-colonel, appointed by and holding office at the pleasure of the commander-in-chief, or until their successors are appointed and qualified.

Militia,  
when and  
by whom  
it may be  
called into  
active  
service.

1909. *Militia, when and by whom it may be called into active service.* In case of war, insurrection, rebellion, invasion, tumult, riot, or imminent danger thereof, or resistance to the laws of this state or the United States; or upon call or requisition of the President of the United States; or upon call of any officer of the United States Army commanding a division, department, or district in California, or any United States marshal in California; or upon call of the chief executive officer of any city or city and county or of any justice of the supreme court or judge of the superior court or of any sheriff setting forth that there is an unlawful or riotous assembly with intent to commit a felony, or to offer violence to person or property, or to resist the laws of the state or United States; or upon call of the sheriff setting forth that the civil power of the county is not sufficient to enable him to execute process delivered to him, the commander-in-chief is authorized to call into active service such portion of the National Guard as may be necessary and if the number available be insufficient he may call into active service such portion of the reserve militia as may be necessary.

Drafts or  
volunteers  
from  
militia.

1910. *Drafts or volunteers from militia.* Whenever it shall be necessary to call out any portion of the reserve militia for active duty, the commander-in-chief shall designate a certain officer or officers for each county or city and county in the state who shall forthwith proceed to draft, by lot, as many of the reserve militia in each county or city and county, or accept as many volunteers as are required by the commander-in-chief, and shall forthwith forward to the adjutant-general a list of the persons so drafted or accepted as volunteers.

Persons  
drafted to  
rendez-  
vous.

1911. *Persons drafted to rendezvous.* The persons drafted must be summoned by the drafting officer in the manner prescribed by law for the summoning of witnesses in civil cases, the time and place of rendezvous being stated in the summons.

Refusing  
to rendez-  
vous.

1912. *Refusing to rendezvous, penalty for.* Every member of the militia ordered out, or who volunteers or is drafted under the provisions of this article, who does not appear at the time and place designated by his commanding

officer, or the drafting officer, within twenty-four hours from such time, or who does not produce a sworn certificate of physical disability from a physician in good standing, to so appear, shall be taken to be a deserter and dealt with as prescribed in the Articles of War of the United States. Penalty.

1913. *Substitutes.* Any person called or drafted into service may furnish as a substitute any person fit for military duty, who has not been called or drafted into service. When any person drafted for service offers a suitable substitute, and such substitute consents in writing to subject himself to all the duties, fines, forfeitures, and punishments to which his principal would have been subjected had he personally served, he must be accepted by the officer making such draft. The person whose substitute is so accepted is not subject to draft during the term of the service of the substitute. Substitutes.

1914. *Organization of reserve militia when ordered out.* The portion of reserve militia ordered out or accepted into the service, as indicated in sections 1908 and 1909 of this article, shall be immediately mustered into the service of the state for one year, or such less period as the commander-in-chief may direct, and shall be organized into troops, batteries, or companies, which may be arranged in squadrons, battalions, or regiments, or assigned to organizations of the National Guard already existing. The commander-in-chief is authorized to appoint the officers necessary to commence or complete any organization thus created. Such new organization shall be equipped, disciplined and governed according to the military regulations of the state. Organization of reserve militia.

1915. *Organization and command of troops from different commands.* Where troops are called into active service from different commands, the commander-in-chief may make such organization of said troops as he may deem proper, and designate the officer or officers to command. Organization and command of troops from different commands.

1916. *Commission of officers called into active service.* The commission of any officer called into active service continues until he is relieved by the order of the governor. Upon the expiration of the commission of any officer called into active service, or upon the occurrence of a vacancy among the commissioned officers in active service, the successors shall be appointed by the governor. Commission of officers called into active service.

1917. *Proclamation of state of insurrection.* When the governor is satisfied that the execution of civil or criminal process has been forcibly resisted in any county or city and county, by bodies of men, or that combination to resist the execution of process by force in any county or city and county, or that the civil officers of any county or city and county are unable or have failed for any reason to enforce the laws he may by proclamation declare the county or city and county or any portion thereof to be in a state of insurrection and may order into the service of the state, such number and description of the organized National Guard, or enrolled Proclamation of state of insurrection.

militia as he deems necessary to serve for such term and under the command of such officer as he may direct. The governor may when he thinks proper revoke the proclamation of insurrection hereby authorized, or declare that it shall cease at the time or in the manner directed by him.

Articles of War of the U. S. to be in force, when.

1918. *Occasions when the Articles of War of the United States are to be in force.* Whenever any portion of the militia shall be on duty under or pursuant to the orders of the commander-in-chief, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of peace, tumult, riot, resistance to process of this state, or imminent danger thereof, or for any other cause, the Articles of War governing the Army of the United States, as far as such regulations are consistent with this title and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall be relieved from such duty. No punishment under such rules and articles which shall extend to the taking of life shall, in any case be inflicted except in time of actual war, invasion, or insurrection, declared by proclamation of the governor to exist and then only after the approval by the commander-in-chief of the sentence inflicting such punishment. Imprisonment other than in the guard-house shall be executed in jails or in prisons designated by the commander-in-chief for the purpose.

Applica-tion of U. S. laws, rules, and regu-lations.

1919. *Laws, rules, and regulations of the United States Army; how far applicable generally.* The laws, Articles of War, and the rules and regulations for the government of the Army of the United States, so far as the same may be applicable and not inconsistent with the laws of this state, and the rules and regulations prescribed by the governor, constitute the rules and regulations for the government of the National Guard.

Armed force to obey orders of whom.

1920. *Armed force to obey orders of whom.* When an armed force is called out for the purpose of suppressing an unlawful or riotous assembly, or arresting the offenders, and is placed under the temporary direction of any civil officer, it must obey the orders in relation thereto of such civil officer, *provided* that the orders of the civil officer shall extend only to a direction of the general or specific object to be accomplished and the duration of the service by the active militia, but the tactical direction of the troops, the kind and extent of force to be used and the particular means to be employed to accomplish the object specified by the civil officers are left solely to the commanding officer of the active militia on duty.

Conduct of the troops.

1921. *Conduct of the troops.* Whenever any portion of the National Guard or enrolled militia shall have been called into active service to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of the state or of the United States, the commanding officer shall

use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly; and his honest and reasonable judgment in the exercise of his duty shall be full protection, civilly and criminally, for any act or acts done while on duty. No officer who has been called out to sustain the civil authorities shall, under any pretense, or in compliance with any order, fire blank cartridges upon any mob or unlawful assemblages under penalty of being cashiered by sentence of a court-martial.

1922. *Relief from civil or criminal liability.* Members of the militia ordered into active service of the state by any proper authority shall not be liable civilly or criminally, for any act done by them, in line of duty. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this chapter, or against any person, acting under the authority or order of any such officer or by virtue of any warrant issued by him pursuant to law it shall be the duty of the attorney-general to defend such officer or person and the attorney-general may call upon the district attorney of the county, or city and county in which the action is brought to assist him.

Relief  
from civil  
or criminal  
liability.

1923. *The adjutant-general and assistants.* The adjutant-general shall be in control of the military department of the state, and subordinate only to the governor in matters pertaining to said department. He will perform such duties as are prescribed in this title, or required by the commander-in-chief, and such other duties consistent with the regulations and customs of the United States Army as may be required by the commander-in-chief. He shall be ex-officio chief of staff, quartermaster-general, chief of ordnance, commissary-general, inspector-general, and paymaster-general. All duties of the adjutant-general shall be performed under the direction of the commander-in-chief.

Adjutant-  
general  
and assist-  
ants in  
control.

(1) He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the 15th day of September in each year to the governor, including a detailed statement of all moneys received and disbursed by him for military purposes during that year and the number and condition of the National Guard.

Duties of  
adjutant-  
general.

(2) He shall, at the expense of the state when necessary, cause the military law, the general regulations of the state, and Articles of War of the United States to be printed, indexed, and bound in proper and compact form and distributed to the commissioned officers.

(3) He shall cause to be prepared and issued all necessary blank books, blanks, and notices required to carry into full effect the provisions of the title. All such books and blanks shall be and remain the property of the state.

Duties of  
adjutant-  
general.

(4) The seal now used in the office of the adjutant-general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal.

(5) The adjutant-general shall have one assistant adjutant-general, appointed and commissioned by the commander-in-chief, as provided, upon the recommendation of the adjutant-general; one chief clerk, three clerks, one stenographer and one armorer. The clerks, stenographer and armorer shall be appointed by the adjutant-general.

(6) In order that the National Guard of the state may receive the benefit of the funds provided by congress, it shall be the duty of the adjutant-general of the state to prepare and submit a plan of proposed field or camp service of instruction for the ensuing year, with an estimate of the funds required for payment, subsistence, and transportation of the portion of the National Guard participating therein; said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war.

(7) He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand; such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instructions.

(8) He shall attend to the care, preservation and safe-keeping, and repairing of the arms, ordnance, accouterments, equipments, and all other military property belonging to the state, or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall, under the direction of the governor, be disposed of by the adjutant-general at public auction after suitable advertisement of sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall, from time to time, render to the governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the governor may direct.

He shall be responsible for all the arms, ordnance, accouterments, equipments, and other military property which may be issued to the state by the secretary of war in compliance with law; and it shall thereafter be his duty to prepare returns of said arms and other property of the United States at the times and in the manner requested by the secretary of war.

He shall, upon the order of the governor turn in to the ordnance department of the United States Army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments, the property of the United States and now in possession of the state, which may be replaced, from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under instructions from the secretary of war, to the designated arsenal or depot at the expense of the United States. And when the National Guard of the state shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accouterment of the United States Army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in possession of the state, to be transferred and shipped as above directed.

Duties of  
adjutant-  
general.

(9) He shall keep a just and true account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

(10) He shall issue such military property as the governor shall direct, and under his direction make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the governor.

Purchases of property not exceeding \$100 in value shall be made in such manner as the adjutant-general shall direct. If such purchase requires an expenditure exceeding \$100 and not exceeding \$500, the adjutant-general shall procure written proposals to furnish such property from at least two parties and shall purchase such property from the lowest responsible bidder.

If such purchase shall require the expenditure of a sum exceeding \$500, he shall publicly advertise, for not less than ten days, for sealed proposals for furnishing such property; such proposals shall be publicly opened by the adjutant-general at the place, day and hour designated in such advertisement.

The adjutant-general shall, if the governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant-general. The adjutant-general is authorized and directed, whenever, in his opinion, it shall be to the interest of the state, to require a party who shall agree or contract to furnish such property to give bond to the people of this state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the

Duties of  
adjutant-  
general.

attorney-general and all moneys recovered shall be applied by the adjutant-general to the benefit of the National Guard.

All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for the purpose by the governor, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract.

In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof, the governor may temporarily suspend the operation of this paragraph and direct the adjutant-general to purchase such military property as may be required in open market. He shall report such action, with the reasons therefor, and a statement of the property purchased and the prices paid therefor, to the legislature at its next session.

(11) He shall render annually in his report to the governor a statement in detail showing the disposition and condition of all clothing, ordnance, arms, ammunition, and other military property on hand or issued.

(12) He shall attest all commissions issued to military officers.

(13) He will superintend the preparation of all returns and reports required by the United States from the state.

(14) In the absence of the adjutant-general, the assistant adjutant-general shall perform the duties set forth in this title.

Bond of  
adjutant-  
general.

1924. *Official bond.* The adjutant-general must execute an official bond in the sum of ten thousand (\$10,000.00) dollars.

SEC. 2. The provisions of this chapter shall be in force and effect from and after its passage and approval.

## CHAPTER CCXC.

*An act providing for authority to use the tide waters of the entrance to "False Bay" in San Diego county, and certain lands adjacent thereto, to propel machinery: and to permit the erection and maintenance of structures for the installation, maintenance and operation of such machinery: and fixing the charge therefor.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

"False  
Bay," San  
Diego  
county, to  
utilize  
waters of.

SECTION 1. Any person, association of persons or corporation desiring to develop or utilize, to propel machinery, the power generated by the movement of the waters of the channel or entrance from the Pacific ocean into that bay known as



"False Bay," situate in the county of San Diego, State of California, and which said channel lies between pueblo lots numbered 1803, 204, 203 and 205 of the city of San Diego, in said county, according to the map of said city, must publish a notice, at least once in each week, for three successive weeks, in a newspaper published in the city of San Diego aforesaid, stating the time at which application will be made to the board of supervisors of said county for authority to so develop or use the aforesaid power. After notice is given application must be made to said board of supervisors, at any meeting specified in said notice, for authority aforesaid. On the hearing any person may appear and be heard. The board may take testimony, or authorize it to be taken by any judicial officer of said county, and it may adjourn the hearing from time to time. If the board are of the opinion that the public interests will be promoted thereby, it may, by the assent of a majority of all members present, by an order entered in its minutes, grant to such applicant authority to use said waters, together with a strip of land, not to exceed 1000 feet in width, commencing at the ordinary high water mark, on one of the shores of said channel, and extending to the ordinary high water mark on the opposite shore of said channel, for the purpose of developing or utilizing the power generated by the action of the waters of said channel to operate or propel machinery; also to place, construct and maintain upon said land and out into or over said waters, wheels, and such other structures as are necessary or convenient for the installation, maintenance or operation of wheels and machinery to be propelled by the power generated by the action of said waters.

Publication of notice of application to board of supervisors.

Hearing of application.

Supervisors may grant applicant authority to use said waters.

Authority to use water carries other privileges.

SEC. 2. Every person, association of persons or corporation so acquiring the right to occupy such lands or waters, shall, on the 1st day of January of each year thereafter, and so long as they shall occupy the same, pay to the county treasurer of said county the sum of \$25.00 per annum for the use and occupation thereof.

Annual amount to be paid for use of such lands or waters.

SEC. 3. This act shall take effect from and after its passage.

## CHAPTER CCXCI.

*An act to amend section two of an act entitled "An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of an act entitled "An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire, the property of the

State harbor commissioners, San Francisco.

State of California located on the water front at San Francisco, California," approved March 25, 1901, is hereby amended so as to read as follows:

Authority  
to insure  
property.

Section 2. This insurance is to be effected and distributed at the discretion and under the direction of the board of state harbor commissioners. The aggregate amount of such fire insurance placed not to exceed the sum of seven hundred thousand dollars, and the cost of same not to exceed the amount of fourteen thousand dollars in premiums for policies to be written for a three years' term. Said cost to be defrayed and paid out of the San Francisco harbor improvement fund.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CCXCII.

*An act to amend sections four and six of an act entitled "An act to provide for the maintenance of public libraries within municipalities." (Approved March 23, 1901.)*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Public  
libraries  
within  
municipalities.

SECTION 1. Section four of an act entitled "An act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901, is hereby amended to read as follows:

Meetings of  
boards of  
trustees of.

4. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. Such boards shall cause a proper record of their proceedings to be kept and at the first meeting of the board of trustees of any library formed under the provisions of this act, it must immediately upon organization cause to be made out and filed with the state librarian at Sacramento, a certificate showing that such library has been established with the date thereof, the names of the trustees and of the officers of the board chosen for the first year.

Organiza-  
tion of.

Certificate  
of organi-  
zation to  
be sent to  
state  
librarian.

SEC. 2. Section six of said act is hereby amended to read as follows:

6. Boards of library trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the library on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended, and must immediately upon the publication of such report, forward a copy thereof for filing to the state library at Sacramento.

Board to report to legislative body.

Copy of report sent to state librarian.

### CHAPTER CCXCIII.

*An act to amend an act entitled "An act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled 'An act to protect and promote the horticultural interests of the state,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle or salt wort.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of "An act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled 'An act to protect and promote the horticultural interests of the state,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, is hereby amended to read as follows:

Section 1. Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees or plants of any variety are infested with any serious infectious diseases, or scale insects of any kind, injurious to fruit, fruit-trees, vines, or other plants or vegetables or that there is growing therein the Russian thistle or salt wort, (*Salsoli kali*, variety *tragus*), or other noxious weeds, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise the destruction of said scale insects, diseases or Russian thistle or salt wort, or other noxious weeds as herein provided, the board of supervisors shall, within twenty days thereafter, appoint a board of horticultural commissioners, consisting of three members, who shall be qualified for the duties of horticultural commissioner. Upon the petition of twenty-five resident freeholders and possessors of an orchard, the board of supervisors may remove any of said commissioners for cause, after a hearing of the petition.

Petition presented to supervisors for appointment of county board of horticulture.

Duty of commissioner so appointed.

Qualifications of commissioners.

Removal of commissioners.

SEC. 2. Section two, of said act, is hereby amended to read as follows:

Duties of commissioners.

Property found infested with infectious diseases, etc.

Commissioners to notify owners.

Notice, how served.

When declared to be a public nuisance.

Commissioners to abate nuisance.

Expense shall be a county charge and a lien upon the property.

Section 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any premises, orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, sales-room, or any other place or articles in their jurisdiction, and if found infested with infectious diseases, scale insects, or cod-lin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs, or larvæ, or if there is found growing thereon the Russian thistle or salt wort, or other noxious weeds, they shall notify the owner or owners, or person or persons in charge, or in possession of the said places or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or article as aforesaid that the same are infested with said diseases, insects, or other pests, or any of them, or their eggs or larvæ, or that the Russian thistle or salt wort or other noxious weeds is growing thereon, and they shall require such person or persons, to eradicate or destroy the said insects, or other pests, or their eggs or larvæ, or Russian thistle or salt wort, or other noxious weeds within a certain time to be specified. Said notices may be served upon the person or persons, or either of them owning or having charge, or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, or premises where the Russian thistle or salt wort or other noxious weeds shall be growing, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, or premises where the Russian thistle or salt wort or other noxious weeds shall be growing, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search, within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated, by eradicating or destroying said diseases, insects, or other pests, or their eggs, or larvæ, or Russian thistle or salt wort or other noxious weeds. The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this act, and may be recovered by an action against such property and premises. A notice of such lien shall be filed

and recorded in the office of the county recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property if he be known, and if not, into the court for his use when ascertained. The county board of horticultural commissioners is hereby vested with the power to cause any and all such nuisances to be at once abated in a summary manner.

Notice of such lien filed and recorded

Action to foreclose such lien, when commenced.

Sale of property; disposition of proceeds.

Power of commissioners.

#### CHAPTER CCXCIV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending section one hundred and eighty-six (186) thereof, relating to the compensation of officers of the counties of the twenty-ninth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and eighty-six (186) of an act entitled "An act to establish a uniform system of county and township governments," approved April first (1), eighteen hundred and ninety-seven (1897), and amended March twenty-third (23), nineteen hundred and one (1901), and amended March nineteenth (19), nineteen hundred and three (1903), is hereby amended to read as follows:

County government.

Section 186. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries of officers of Marin county (29th class).

The county clerk, two thousand two hundred and fifty (\$2250) dollars per annum, and when a new great register of voters is ordered, he shall receive in addition, fifteen (15) cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, a deputy, who shall be appointed by said county clerk, who

County clerk.

Deputy county clerk.

shall be paid a salary of seventy-five dollars (\$75) per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

- Sheriff. 2. The sheriff, four thousand five hundred dollars (\$4500) per annum; and, also all fees for services of papers in actions arising outside of his county.
- Recorder. 3. The recorder, two thousand one hundred dollars (\$2100) per annum.
- Auditor. 4. The auditor, one thousand two hundred dollars (\$1200) per annum.
- Treasurer. 5. The treasurer, two thousand one hundred dollars (\$2100) per annum.
- Tax collector. 6. The tax collector, one thousand (\$1000) per annum.
- Assessor. 7. The assessor, two thousand five hundred dollars (\$2500) per annum; and also such fees and commissions as are allowed by law.
- District attorney. 8. The district attorney, two thousand four hundred dollars (\$2400) per annum.
- Superintendent of schools. 9. The superintendent of schools, two thousand one hundred dollars (\$2100) per annum and actual traveling expenses when visiting the schools of his county.
- Coroner. 10. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator. 11. The public administrator, such fees as are now or may be hereafter allowed by law.
- Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices of the peace. 13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
- Constables. 14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars (\$3) per day for each day's actual attendance in court during a jury trial therein or a preliminary examination for felony; *provided*, that no constable shall receive more than three dollars (\$3) for any one day's attendance on any court.
- Supervisors. 15. Each supervisor, fifty dollars (\$50) per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat at each session.
- Board of education. 16. Each member of the board of education, including the secretary, five dollars (\$5) per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law.
- Takes effect. SEC. 2. This act shall take effect at twelve o'clock meridian on the first Monday after the first day of January, nineteen hundred and seven (1907).

## CHAPTER CCXCV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st 1897 and amended March 23 1901 and March 16th 1903 by amending section 177 of the said act relating to salaries of officers of counties of the twentieth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and seventy-seven (177) of an act entitled "An act to establish a uniform system of county and township governments" approved April 1st. 1897 and amended March 23rd 1901 and March 16th 1903, is hereby amended so as to read as follows: County government.

177. In counties of the twentieth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries of officers of Riverside county (20th class).

1. The county clerk, three thousand two hundred dollars per annum; *provided* that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of five hundred dollars for such service. County clerk.

2. The sheriff, forty-three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county. Sheriff.

3. The recorder, twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, and five cents for each name indexed, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including the recording of mining claims. Recorder.

4. The auditor, two thousand two hundred dollars per annum. The county auditor shall charge and collect for the clerical labor of making estimates of tax sales, provided for in section thirty-eight hundred and seventeen of the Political Code, the sum of twenty-five cents for each tax sale, if the property is delinquent for two years or less; and the sum of fifty cents for each sale if said property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the charge of penalties as provided in section thirty-eight hundred and seventeen of the Political Code, the amounts charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates. Auditor.

- Treasurer. 5. The treasurer, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy, to be appointed by him, who shall receive from the county a salary of forty dollars (\$40) per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer.
- Deputy treasurer.
- Tax collector. 6. The tax collector, twenty-five hundred dollars per annum.
- Assessor. 7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies.
- District attorney. 8. The district attorney, eighteen hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Public administrator. 10. The public administrator, such fees as are now, or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, two thousand dollars per annum. His office shall be kept open on all business days from 9 A. M. to 5 P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county, *provided* that in counties of this class there shall be and there hereby is allowed to the county school superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of eighty-five dollars (\$85) per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools.
- Surveyor. 12. The surveyor, fifteen hundred dollars per annum, and in addition thereto all necessary expenses and transportation on work performed in the field; *provided*, that in counties of this class, when the board of supervisors order a new set of assessors maps made, there shall be and there hereby is allowed to the surveyor, for such purpose, three draughtsmen, who shall be appointed by the surveyor of said county, and shall be paid salaries as follows: one draughtsman at a salary of eighty dollars (\$80) per month; two draughtsmen at a salary of seventy-five dollars (\$75) per month each. The salaries of the draughtsmen, herein provided for, shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the surveyor.
- Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less



than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following monthly salaries, Constables. to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars a month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand, and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided* that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each constable shall receive for his own use in civil cases the fees allowed by law.

15. The population of the several townships shall be determined by the last United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for presidential electors cast in such township at the last preceding general election by five.

Popula-  
tion of  
townships,  
how deter-  
mined.

Supervis-  
ors.

16. Each supervisor, five hundred dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; *provided*, that not more than four mileages shall be allowed in any one month. When serving as road commissioner, such fees as are now or may be hereafter allowed by law.

Official  
reporter  
of the  
superior  
court.

17. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, when requested by the coroner, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, when requested by the district attorney, a monthly salary of one hundred dollars (\$100) payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required he shall receive the sum of five cents per folio for the original and five cents per folio for copy, said compensation for transcription in criminal cases, coroner's inquests and preliminary examinations to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge by either party, or jointly by both parties, as the court may direct. When necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are the other county charges.

## CHAPTER CCXCVI.

*An act to amend sections thirteen (13), fifteen (15), twenty (20), twenty-three (23), and twenty-four (24) of an act entitled 'An act creating a board of bank commissioners and prescribing their duties and powers,' approved March 24, 1903, and adding to said act a new section, to be designated section twenty-two a (22a), relating to the secretary of the bank commission, prescribing his duties and fixing his compensation; securing an office, providing stationery, fuel, and other conveniences; providing for printing the annual report of the commissioners and limiting the expenditure therefor; providing for the maintenance of the bank commission and the establishment of the bank commissioners' fund; providing for the reports of private persons engaged in banking; limiting the indebtedness that may be incurred by any bank or banker; regulating the security to be taken for any loan or discount; fixing the amount of cash on hand required of banks other than savings banks, and*

*to add a new section thereto be known as section twenty-five (25), further regulating banks and trust companies acting as executors, administrators, guardians, assignees, receivers, depositories or trustees.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen of an act entitled "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, is hereby amended so as to read as follows: Bank commissioners.

Section 13. The bank commissioners shall have the power to appoint a secretary, at a salary of three hundred (\$300) dollars per month. Secretary to, and salary.

It shall be the duty of the secretary whenever required by the bank commissioners to visit and make personally a full examination of any corporation mentioned in section three (3) of this act and report its condition to the bank commissioners, and the secretary shall be allowed his actual expenditures necessarily incurred in making such examination and report and for this purpose the secretary of the bank commissioners is hereby empowered to administer oaths. Duty and power of secretary.

The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office at a rent not to exceed one hundred (\$100) dollars per month. They may also provide stationery, fuel and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of four thousand (\$4000) dollars per annum, and cause their annual reports to the governor of this state to be printed by the lowest bidder and distributed, at a cost not to exceed two thousand (\$2000) dollars per annum, and which printing shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners. Office hours.

SEC. 2. Section fifteen of "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, is hereby amended so as to read as follows:

Section 15. To pay the salaries, the cost of printing the bank commissioners' annual reports, and all other necessary expenses of the commissioners, as provided for in this act, every corporation, person or partnership receiving a license shall pay annually therefor, in advance, to the commissioners, in gold coin, the sum of forty (\$40) dollars. To meet the balance of such expenses, after deducting therefrom the amount received from licenses, each of said corporations, persons and partnerships shall pay annually, in advance. to Annual report of commissioners.

the commissioners, in gold coin, its, his or their share of the amount of said balance; the share to be paid by any such corporation, person or partnership to be determined by the proportion which the deposits of any such corporation, person or partnership bear to the aggregate deposits of all such corporations, persons or partnerships receiving licenses, as shown by the latest reports of such corporations, persons and partnerships to the commissioners. Said commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, partnership, person or persons, mentioned in this act, copies of papers, statements and reports filed in their office, and may, as provided by this act, recover any and all moneys payable to them by any corporation, association, society, company, institution, partnership, person or persons herein mentioned; and all moneys collected or received by such bank commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the treasurer of this state, who shall pay the same into a fund which is hereby created, and which shall be known as the "Bank Commissioners' Fund." And the unexpended balances of all moneys heretofore paid into the state treasury by said bank commissioners shall be transferred to said fund and become a part thereof.

Disposi-  
tion of  
moneys  
collected.

Bank Com-  
missioners'  
Fund.

SEC. 3. Section twenty of "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, is hereby amended so as to read as follows:

Law to  
apply to  
persons  
as well as  
corpora-  
tions.

Section 20. Every person engaged for himself, or any person being the cashier, manager or agent of two or more persons, not incorporated, engaged in the business of banking in this state, or publicly receiving money on deposit, must apply for and take out a license for such privilege, and shall be subject to the same requirements, limitations, liabilities, penalties and provisions as are in this act provided for incorporated banks or banking corporations, so far as the same appertain to said business.

SEC. 4. Section twenty-three of "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, is hereby amended so as to read as follows:

Charter of  
bank, when  
forfeited.

Section 23. No bank, banking corporation, person, or partnership, shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six (6) months from the time of its purchase, be sold at public or private sale; and in default thereof, after demand by the bank commissioners, the charter of such corporation shall be deemed forfeited and the bank commissioners may institute liquidation proceedings against said corporation, as is provided in section ten of this act.

SEC. 5. Section twenty-four of "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, is hereby amended so as to read as follows:

Section 24. Every banking corporation, except savings banks, and every person and partnership doing a banking business, shall at all times have on hand in cash an amount equal to at least twenty (20%) per cent. of its demand or immediate liabilities and time certificates of deposit, if its principal place of business is located in any city of the state having a population of two hundred thousand (200,000) and over; and an amount equal to at least fifteen (15%) per cent. of its demand or immediate liabilities and time certificates of deposit, if its principal place of business is located elsewhere in the state. One half of such cash reserve may consist of moneys on deposit subject to call with any solvent bank or trust company. Cash shall include specie, national bank notes, legal tender notes, and all paper obligations of the United States circulating as money, and exchanges for clearing-house associations.

Bank to have certain amount of cash on hand.

Deposit of portion of reserve.

Cash on hand shall include.

SEC. 6. A new section to be known as section twenty-five (25) shall be added to that certain act known as "An act creating a board of bank commissioners and prescribing their duties and powers" approved March 24, 1903, which shall read as follows:

Section 25. No corporation which has or shall be incorporated under the general laws of this state authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository or trustee shall be permitted to act or be appointed as such unless it shall have a paid-up capital of not less than one hundred thousand (\$100,000) dollars, of which one hundred thousand (\$100,000) dollars shall have been actually paid in in cash.

Corporations to act as executors, paid-up capital stock of.

SEC. 7. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect immediately.

## CHAPTER CCXCVII.

*An act permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from the military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That on and after the passage of this act all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, shall be per-

Ex-Union soldiers to peddle, etc., goods.

mitted to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality within this state without a license: *provided*, said soldier or sailor is engaged in the vending, hawking and peddling of the goods, wares, fruits or merchandise for himself only.

To receive license without charge.

SEC. 2. Upon the presentation of his certificate of discharge to the license collector of any county, town, village, incorporated city or municipality in this state, and showing proofs of his identity as the person named in his certificate of honorable discharge, the license collector shall issue to said ex-Union soldier or sailor a license, but such license shall be free, and said license collector shall not collect or demand for the county, town, village, incorporated city or municipality any fee therefor; *provided* that nothing in this act shall authorize said soldiers or sailors to sell intoxicating liquors.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CCXCVIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April first, eighteen hundred and ninety-seven, amended March twenty-third, nineteen hundred and one, by amending section one hundred and ninety-four thereof relating to the compensations of officers of counties of the thirty-seventh class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section 194 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

Salaries of officers of Kings county (37th class).

Section 194. In counties of the thirty-seventh class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.  
Sheriff

1. The county clerk, twenty-five hundred dollars per annum.  
2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

Recorder.

3. The recorder, eighteen hundred dollars per annum.

Auditor.

4. The auditor, fifteen hundred dollars per annum.

Treasurer.

5. The treasurer, fifteen hundred dollars per annum.

Tax collector.

6. The tax collector, two thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

Assessor.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum. District attorney.
9. The coroner, such fees as are now or may hereafter be provided by law. Coroner.
10. The public administrator, such fees as are now or may hereafter be provided by law. Public administrator.
11. The superintendent of schools, fifteen hundred dollars per annum. Superintendent of schools.
12. The surveyor, such fees as are now or may hereafter be provided by law. Surveyor.
13. Each supervisor shall receive for compensation five dollars per day for all services performed as supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum. The supervisors of counties of this class shall be elected from their respective supervisorial districts at the next general election as follows, to wit: The term of office of the supervisors elected from the first and third supervisorial districts shall expire in two years from such general election and the term of office of the supervisors elected from the second, fourth, and fifth supervisorial districts shall terminate in four years from such general election. Election of supervisors.
14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars; and constables a monthly salary of seventy-five dollars. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now, or may hereafter be, provided by law. Justices of the peace and constables. Fees.

## CHAPTER CCXCIX.

*An act to amend an act entitled "An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901 by amending section 34 thereof, relating to counties of thirtieth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section 34 of an act entitled "An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

Section 34. Section one hundred and eighty-seven (187) of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Salaries of  
officers of  
Ventura  
county  
(30th class).

Section 187. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

County  
clerk.  
Sheriff.

1. The county clerk, three thousand dollars per annum.

2. The sheriff, five thousand seven hundred dollars per annum. Also, the following, to be audited and paid as other county charges: For every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of such transportation.

Recorder.

3. The recorder, three thousand dollars per annum, which shall be in full for all services.

Auditor.

4. The auditor, one thousand eight hundred dollars per annum.

Tax  
collector.

5. Tax collector, two thousand dollars per annum.

Assessor.

6. Assessor, three thousand two hundred dollars per annum.

Treasurer.

7. The treasurer, one thousand six hundred dollars per annum.

District  
attorney.

8. The district attorney, one thousand eight hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public  
adminis-  
trator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.



11. The superintendent of schools, two thousand five hundred dollars per annum, which shall be in full for all services performed, including the visiting of the schools of his county; *provided*, that he may receive such fees as are now or may hereafter be allowed by law for services as a member of the county board of education.

Superintendent of schools.

12. The county surveyor shall receive one thousand eight hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work.

Surveyor.

13. For the purpose of regulating the compensation of justices of the peace, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more, shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Classification of townships for the purpose of regulating salaries of justices.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any township, then the said justices shall each receive one half ( $\frac{1}{2}$ ) of the salary herein provided for: In townships of the first class, seventy dollars; in townships of the second class, sixty dollars; in townships of the third class, forty dollars; in townships of the fourth class, twenty dollars; in townships of the fifth class, ten dollars; *provided*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

Justices of the peace, salaries of.

Fees retained by, in civil actions.

14. For the purpose of regulating the salaries of constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than

Classification of townships for the purpose of regulating salaries of constables.

two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Constables,  
salaries of.

Constables shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two constables shall be elected and qualify in any township, then each of the said constables shall each receive one half ( $\frac{1}{2}$ ) of the salary herein provided for: In townships of the first class, eighty dollars; in townships of the second class, seventy dollars; in townships of the third class, fifty dollars; in townships of the fourth class, twenty-five dollars; in townships of the fifth class, ten dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Fees  
retained  
by, in civil  
actions.

Supervis-  
ors.

15. Each supervisor, six dollars per day when the board is in session and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments.

Official  
court  
reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and coroner's inquests and examinations of persons charged with being of unsound mind, to be audited and allowed by the board of supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the

same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

Traveling expenses.

## CHAPTER CCC.

*An act to amend an act entitled "An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending section 21 thereof, relating to counties of the seventeenth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 21 of an act entitled "An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

County government.

Section 21. Section one hundred and seventy-four (174) of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Section 174. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries of officers of Santa Barbara county (17th class).

1. The county clerk, twenty-five hundred dollars per annum; *provided* that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy, at a salary of one hundred dollars per month; one court-room clerk, at a salary of one hundred dollars per month. The salaries of the chief deputy and court-room clerk herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

County clerk.

Chief deputy.  
Court-room clerk.

2. The sheriff, six thousand dollars per annum.

Sheriff.

- Recorder. 3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a deputy, who shall be appointed by the said recorder, and who shall be paid the following salary, to wit: ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.
- Deputy.
- Auditor. 4. The auditor, twenty-two hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county auditor one deputy, who shall be appointed by the county auditor and paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.
- Deputy.
- Treasurer. 5. The treasurer, one thousand five hundred dollars per annum.
- Tax collector. 6. The tax collector, two thousand dollars per annum.
- Assessor. 7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, for a period of four months during each fiscal year, who shall be appointed by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.
- Deputies.
- District attorney. 8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and who shall be paid the following salary, to wit: Fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.
- Deputy.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.
- Surveyor. 12. The county surveyor shall receive twelve hundred dollars per annum and necessary costs of transportation to and from, and necessary expense in the field while engaged on public work.
- Justices of the peace. 13. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases, and in full compensation for all services rendered in

criminal cases, justices of the peace shall receive a salary of ninety dollars per month, payable at the same time and in the same manner as the salary of other county officers.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers; *provided further*, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their townships, in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by board of supervisors and paid out of the county treasury.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

#### CHAPTER CCCI.

*An act to increase the number of judges of the superior court of the county of Shasta, State of California and for the appointment of such additional judge.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The number of judges of the superior court in the county of Shasta, State of California, is hereby increased from one to two.

Shasta  
county,  
additional  
judge for.

SEC. 2. Within thirty days after the passage of this act the governor shall appoint one additional judge of the superior court in the county of Shasta, State of California, who shall hold office until the first Monday after the first day of January A. D. 1907. At the next general election to be held in November A. D., 1906 one additional judge of said superior court shall be elected in said county who shall be the successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of such additional judge shall be the same in amount and be paid in the same manner and at the same time as the salary of the other judge of the superior court of said county now authorized by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CCCII.

*An act requiring the marking of packages of butter containing less than six pounds and more than one half pounds so as to advise the purchaser or others as to the weight of butter contained in such package.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Butter,  
weight  
to be  
marked on  
packages.

SECTION 1. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, manufacture or prepare for sale, offer for sale or expose for sale, or have in his or their possession for sale, or consign, ship or present to any dealer, commission merchant, consumer, or other person, any butter in packages containing less than six pounds and more than one half pound, unless the exact weight of such butter contained in such package or packages, rolls, prints or other form of package, expressed in the number of pounds or ounces or in both pounds and ounces, shall be printed or durably and legibly marked upon the wrapper or other container of such butter in letters or figures, or in both letters and figures, not less than one fourth inch high and upon the same side or face of such package upon which the producer's or seller's name and address appears, and if such name and address does not appear, the weight alone shall be legibly and durably placed upon such package in letters or figures not less than one fourth of an inch high.

Penalty for  
violation.

SEC. 2. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten

days nor more than fifty days, or by both such fine and imprisonment at the discretion of the court.

SEC. 3. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act and to cause the prosecution of any person known to be guilty, or that it has reason to believe to be guilty, of violating any of the provisions of this act. It shall be the duty of the district attorney of each and every county in this state, upon application from the state dairy bureau, to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his district. One half of all fines collected for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one half shall be paid to the state dairy bureau and by said bureau to the state treasurer and the same shall become a part of the appropriation made by law for the use of the state dairy bureau.

Duty of state dairy bureau.

Duty of district attorney.

Disposition of fines collected.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of conflicting acts.

SEC. 5. This section shall take effect sixty days after its passage.

### CHAPTER CCCIII.

*An act to prevent the spread of contagious diseases among animals.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person having the care, custody or control of any animal that dies from tuberculosis, glanders, farcy, Texas fever, or other infectious disease, shall immediately upon the death of such animal cremate or bury the same, or cause the same to be cremated or buried.

Animals, prevention of spread of contagious diseases among.

SEC. 2. Any common carrier of persons or freight that shall transport any animal suffering with or that has died from the diseases, or any of them, mentioned in section 1 of this act a greater distance than is necessary to transport such animal to the nearest crematory, shall be deemed guilty of a misdemeanor.

SEC. 3. No animal that has died of any of the diseases named in section one of this act, shall be sold, used or permitted to be used for the food of human beings or sold, used or permitted to be used for the food of any domestic animal or fowl.

SEC. 4. Any person, firm or corporation that shall violate any of the provisions of this act shall be deemed guilty of a

Penalty for violation.

misdemeanor, and upon a conviction thereof shall be punished by a fine of not less than \$50 and not more than \$500, or by imprisonment in the county jail for a term not exceeding 180 days, or by both such fine and imprisonment.

SEC. 5. This act shall take effect immediately.

#### CHAPTER CCCIV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments" approved April 1, 1897, and amended March 23, 1901, by amending section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County govern-  
ment.

SECTION 1. Section one hundred and eighty of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, is hereby amended so as to read as follows:

Salaries of  
officers of  
Butte  
county  
(23d class).

Section 180. In counties of the twenty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County  
clerk.

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in years when a great register is ordered, the county clerk shall receive in addition to his regular salary the sum of eight hundred dollars for such service.

Sheriff.

2. The sheriff, six thousand dollars per annum.

Recorder.

3. The recorder, three thousand two hundred dollars per annum.

Auditor.

4. The auditor, one thousand five hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax  
collector.

6. The tax collector, one thousand dollars per annum.

Assessor.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: One deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year. The salary of said deputies to be paid in the same manner, and out of the same fund as the assessor,

Deputies.



upon the presentation of a certificate that services have been performed, and signed by the assessor.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, fifteen hundred dollars per annum. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law. Justices of the peace.

14. Constables, such fees as are now or may be hereafter allowed by law. Constables.

15. Each member of the board of supervisors \$1200.00 per annum, and mileage when acting as road commissioner, 25 cents per mile one way; *provided* the amount of mileage shall not exceed the sum of \$300.00 in any one year. This subdivision of this section shall take effect and be in full force from and after the passage of this act. Supervisors.

16. Member of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile. Board of education.

#### CHAPTER CCCV.

*An act to amend section four of an act entitled "An act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of an act entitled "An act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895, is hereby amended to read as follows:

Section 4. For counties of the second class, one hundred and twenty-five dollars per month; for counties of the first and third classes, one hundred dollars per month; for counties of the fourth, fifth and sixth classes, the sum of seventy-five dollars per month; for counties of the seventh, eighth, ninth and tenth classes, the sum of sixty dollars per month; and for all other classes from the eleventh to the fifty-third, inclusive, the sum of fifty dollars per month. In addition thereto said warden shall be allowed a sum not to exceed Game wardens, salaries of.

twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

Bond. Said fish and game warden shall, before entering upon the discharge of his duties, execute a bond with sureties in such sum as may be required by the board of supervisors, for the faithful and proper discharge of his duties as such fish and game warden. Said warden shall report quarterly to the board of supervisors of his county, giving a detailed statement of all arrests made, convictions had, fines collected, and generally in regard to the management of his office.

Report. Such officers may be removed by the board of supervisors for intemperance, neglect of duty, or other good and sufficient reasons.

Removal.

### CHAPTER CCCVI.

*An act to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending section 55 thereof, relating to the counties of the fifty-first class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section fifty-five of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections hereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, be and the same is hereby amended to read as follows:

Section 55. Section 208 of said act is hereby amended to read as follows:

Salaries of officers of Lassen county (51st class).

Section 208. In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, one thousand five hundred dollars per annum.

Sheriff.

2. The sheriff, three thousand dollars per annum.

Recorder.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments,

Copyist.

at the time and in the same manner, and out of the same fund as the salary of the recorder is paid. This section shall take effect immediately in so far as it relates to the salary of said copyist.

- 4. The auditor, five hundred dollars per annum. Auditor.
- 5. The treasurer, one thousand dollars per annum. Treasurer.
- 6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector. Tax collector.
- 7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid. This section shall take effect immediately in so far as it relates to the salary of said deputy. Assessor. Deputy.
- 8. The district attorney, one thousand two hundred dollars per annum. District attorney.
- 9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.
- 10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.
- 11. The superintendent of schools, fifteen hundred dollars (\$1500) per annum, and actual traveling expenses when visiting the schools of this county. Superintendent of schools.
- 12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor.
- 13. Justices of the peace, such fees as are now or may hereafter be allowed by law. Justices of the peace.
- 14. Constables, such fees as are now or may hereafter be allowed by law. Constables.
- 15. Each supervisor, six dollars per day when the board is in a session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum. This section shall take effect immediately in so far as it relates to the necessary expenses of supervisors while supervising their roads, or while engaged in attending to the business of the county other than the meetings of the board. Supervisors.
- 16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices courts, and at coroners inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the Official court reporter.

original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

Traveling expenses.

### CHAPTER CCCVII.

*An act concerning warehouse receipts, and the issuing, sale and transfer thereof, and the sale of goods, wares and merchandise stored in public or private warehouses in other states.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Sale or transfer of warehouse receipts.

SECTION 1. That it shall be unlawful for any corporation, firm or person, their agents or employés, to issue, sell, pledge, assign or transfer in this state, any receipt, certificate or other written instrument purporting to be a warehouse receipt, or in the similitude of a warehouse receipt, or designed to be understood as a warehouse receipt, for goods, wares or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate or other written instrument, shall have been issued by the warehouseman operating such warehouse.

SEC. 2. It shall be unlawful for any corporation, firm or person, their agents or employés, to issue, sell, pledge, assign or transfer in this state, any receipt, certificate or other written instrument for goods, wares or merchandise claimed to be stored or deposited, in any warehouse, public or private, in any other state, knowing that there is no such warehouse located at the place named in such receipt, certificate or other written instrument, or if there be a warehouse at such place, knowing that there are no goods, wares or merchandise stored or deposited therein as specified in such report, certificate or other written instrument.

SEC. 3. It shall be unlawful for any corporation, firm or person, their agents or employés, to issue, sign, sell, pledge, assign or transfer, in this state, any receipt, certificate or other written instrument evidencing, or purporting to evidence, the sale, pledge, mortgage or bailment of any goods, wares or merchandise stored or deposited, or claimed to be

stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate or other written instrument shall plainly designate the number and location of such warehouse, and shall also set forth therein a full, true and complete copy of the receipt issued by the warehouseman operating such warehouse wherein such goods, wares or merchandise are stored or deposited, or are claimed to be stored or deposited: *Provided*, that the provisions of this section shall not apply to the issue, signing, sale, pledge, assignment or transfer of bona fide warehouse receipts issued by the warehouseman operating public or bonded warehouses in other states, according to the laws of the state wherein such warehouses may be located.

SEC. 4. Every corporation, firm or person, agent or employé, who shall knowingly violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than one thousand dollars, to which may be added imprisonment in the county jail for any period not exceeding six months.

#### CHAPTER CCCVIII.

*An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts or parts of acts in conflict with this act.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All moneys in the state treasury belonging to the state not immediately required to meet current expenditures may be deposited by the state treasurer to the credit of the state in such state or national bank, or banks, in the state, as the treasurer, with the approval of the governor and state controller, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the state treasury; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided, *and provided further*, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner, as the treasurer, with the approval of the governor and state controller, shall direct; *provided*, that not more than one tenth of the aggregate amount of state moneys available for deposit and on deposit shall be deposited in any one bank, *and provided further*, that such deposit shall not exceed twenty-five per cent of the paid-up capital, exclusive of reserve and surplus, of any depos-

Deposit of  
state  
moneys  
in banks.

Security  
furnished.

Bids by  
banks.

Amount  
to be  
deposited  
in each  
bank.

ity bank. Any and all bids may be rejected by the treasurer, with the approval of the governor and state controller, and new bids asked for. The expense of transportation of moneys to and from the state treasury to such depositaries shall be borne by such depositaries. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the state treasurer, or upon presentation of a certificate of deposit properly indorsed.

SEC. 2. The interest to be paid by any such depositary bank shall be on the average daily balances of the state moneys kept on deposit therewith, and shall be paid and credited to the state monthly on the first day of each and every month, and such interest shall accrue to the general fund of the state treasury.

SEC. 3. For the security of the funds deposited by the state treasurer under the provisions of this act, there shall be deposited with the treasurer bonds of the United States, or of this state, or of any county, municipality or school district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks; and if in any case, or at any time, such bonds are not deemed satisfactory security to the governor, controller and treasurer, they may require such additional security as may be satisfactory to them. Said bonds or any part thereof may be withdrawn on the written consent of the governor, controller and treasurer; *provided*, that a sufficient amount of said bonds to secure said deposits shall always be kept in the treasury; and in the event that said bank or banks of deposit shall fail to pay such deposits or any part thereof on the demand of the state treasurer, or upon any presentation of a certificate of deposit properly indorsed, then it shall be the duty of the state treasurer to forthwith convert said bonds into money and to disburse the same according to law.

SEC. 4. The treasurer shall take from such depositary or depositaries a written contract, in duplicate setting forth the conditions and terms upon which the funds of the state are deposited therewith, one of which shall be filed with the controller. One provision of said contract shall be that each depositary shall at the end of each month render to the treasurer a statement in duplicate showing the daily balances or amount of money of the state held by it during the month and the amount of the accrued interest thereon separately, one of which shall be filed by the treasurer with the controller. The treasurer shall annually on the first day of July furnish each depositary bank with a statement showing the amount and description of the bonds on deposit with him by such bank to secure state deposits.

SEC. 5. The treasurer, with the approval of the governor and controller, shall, if in his judgment it shall appear necessary for the security of the state, require said banks of

Rejection  
of bids

Expense of  
trans-  
portation  
of moneys.

With-  
drawal of  
deposits.

Interest  
payable  
monthly.

Bonds  
deposited  
as security.

Contract.

Monthly  
statement  
rendered  
to the  
state  
treasurer.

Treasurer's  
annual  
report to  
the  
legisla-  
ture.

Security  
deposited  
with  
banks.

deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks, to be approved by the governor, controller and treasurer, to secure the state against loss by any depreciation in value that may occur in such bonds held by him as security for the safe-keeping and prompt payment of the state moneys in such depositaries.

SEC. 6. The state treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act while the same remain there deposited with the consent of the governor and controller; but the treasurer shall be chargeable with the safe-keeping, management and disbursement of the bonds and certificates of deposit deposited with him as security for deposits of state moneys, and with the interests thereon, and the proceeds of any sale under the provisions of this act.

Treasurer not responsible for moneys deposited.

Treasurer responsible for securities furnished by banks.

SEC. 7. At the time of depositing state moneys in any bank designated as a depository the treasurer shall take a certificate or certificates of deposits made payable to the treasurer of state in such sum or sums as he shall deem advisable. Such certificate or certificates of deposit in the possession of the treasurer shall be deemed and counted as cash by the state board of examiners. Controller's warrants drawn upon the state treasury may be paid by such certificates of deposit when properly indorsed by the treasurer the same as in cash.

Certificates of deposit.

Warrants paid by certificates of deposit.

SEC. 8. All acts or parts of acts in conflict with this act are hereby expressly repealed.

SEC. 9. This act shall take effect on July 1, 1905.

## CHAPTER CCCIX.

*An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 207 of an act entitled, "An act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, is hereby amended to read as follows:

County government.

Section 207. In counties of the fiftieth class, the county officers shall receive as compensation for the services required

Salaries of officers of Plumas county (50th class).

of them by law or by virtue of their office, the following salaries, to wit:

- County clerk. 1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years, he shall receive two thousand three hundred dollars per annum.
- Sheriff. 2. The sheriff four thousand dollars per annum.
- Recorder. 3. The recorder one thousand eight hundred dollars per annum.
- Auditor. 4. The auditor four hundred dollars per annum.
- Treasurer. 5. The treasurer one thousand six hundred dollars per annum.
- Tax collector. 6. The tax collector seven hundred fifty dollars per annum.
- Assessor. 7. The assessor one thousand eight hundred dollars per annum.
- District attorney. 8. The district attorney one thousand five hundred dollars per annum.
- Coroner. 9. The coroner such fees as are now or may hereafter be allowed by law.
- Public administrator. 10. The public administrator such fees as are now or may hereafter be allowed by law.
- Superintendent of schools. 11. The superintendent of schools eight hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.
- Surveyor. 12. The surveyor such fees as are now or may hereafter be allowed by law.
- Justices of the peace. 13. Justices of the peace such fees as are now or may hereafter be allowed by law.
- Constables. 14. Constables such fees as are now or may hereafter be allowed by law.
- Supervisors. 15. Each supervisor eight dollars per day while the board is in session, and mileage from residence to the county seat at each sitting of the board of 20 cents per mile; also twenty cents per mile for each mile actually and necessarily traveled in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars for per diem as supervisor, and he shall not in any one year receive more than three hundred dollars as road commissioner.
- License collector. 16. The license collector ten per cent of all licenses collected by him.

This act so far as it relates to counties of this class, shall not affect the compensation of officers during the present of office, except as herein otherwise specially provided.



CHAPTER CCCX.

*An act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the board of supervisors of any county in this state shall receive a petition signed by a majority of the land owners within any portion of said county, accompanied by a deposit sufficient to cover the cost of publication of all notices required by the first two sections of this act, which said portion of said county shall be specifically described and set out by metes and bounds in said petition, asking that said portion of said county be set apart and erected into a levee district for the purpose of protecting the lands embraced in said portion of said county from overflow from any river, stream or streams, or water course, the board of supervisors shall pass a resolution signifying its intention to erect and set apart said portion of said county into a levee district, for the purpose of protecting the lands therein from overflow and describing the exterior boundaries of the district of lands embraced therein and to be assessed to pay the damages, costs and expenses thereof. Such resolution shall also contain a notice to be published, which said notice shall be headed "Notice of intention of the board of supervisors to form a levee district," and shall state the fact of the passage of such resolution, with the date thereof, the boundaries of the district, and the statement that it is proposed to assess all properties embraced within such proposed levee district for the purpose of paying the damages, costs and expenses of erecting and repairing dikes, levees and other improvements to protect the said lands from overflow, and the necessary expenses of maintaining the said district and refer to the resolution for further particulars. Such notice to be given by the board of supervisors and signed by its clerk.

Levee districts, formation of, in counties.

Petition to supervisors.

Resolution of intention.

Publication of notice.

SEC. 2. Such notice shall be published for a period of thirty days, in a newspaper published and circulated in said county and designated by said board of supervisors.

Notice to be published thirty days.

SEC. 3. Any person interested, objecting to the formation of such levee district or to the extent of the district of lands to be affected or benefited by erection or repair of such dikes,

Written objections.

levees or other improvements to protect the same from overflow, and to be assessed to pay the costs and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the clerk of said board of supervisors, who shall indorse thereon the date of its reception, by him, and at the next regular meeting of said board of supervisors, or at an adjourned meeting, or a special meeting called for that purpose, after the expiration of said ten days lay such objections before said board of supervisors, said board shall then fix a time for hearing of said objections not less than fifteen days thereafter, and direct its clerk to notify each person objecting of such day fixed for hearing, by depositing a notice thereof in the postoffice at the county seat of such county, postage prepaid, addressed to such person objecting, which said notice shall be deposited in the postoffice not less than ten days before the day set for hearing.

Fixing  
time of  
hearing  
objections.

Hearing of  
objections.

SEC. 4. At the time specified or to which the hearing may be adjourned, the board of supervisors shall hear the objections urged and pass upon the same. Such board may, in its discretion, sustain, in whole or in part, any or all of the objections made and filed, and may change or alter the boundaries of such district to conform to the needs of the district, and may in its discretion declare such levee district formed as a subdivision of such county, and shall designate such district by name as the "—— Levee District of —— County."

District  
declared  
formed.

Jurisdi-  
ction  
acquired  
by super-  
visors.

SEC. 5. If it shall appear to the satisfaction of the board of supervisors that it is the desire of a majority of the owners of land in such proposed district that the same should be erected into a levee district, and that it is just and proper, they may declare said territory a levee district for the above purposes, and record the same in a book to be kept for that purpose, giving the metes and bounds, and thereafter the board of supervisors shall be deemed to have acquired jurisdiction to purchase or receive by donation, in the name of the district, any real or personal property necessary to properly carry out the purposes of the formation of such district under the same rules as govern the purchase of property in the name of the county; and to do all things necessary for the formation of such district and the erection and repair of dikes, levees and other improvements to protect the lands within such district from overflow.

Power of  
super-  
visors to con-  
demn land.

SEC. 6. The board of supervisors of such county shall also have power to condemn land for the purposes of erecting dikes, levees, and other improvements for the purpose of protecting the lands embraced in such district from overflow, and for that purpose all of the provisions of part three, title seven, of the Code of Civil Procedure are hereby made applicable to the exercise of the right of eminent domain for such purposes or for any purpose necessary to the needs of

Exercise of  
the right of  
eminent  
domain.

such district when formed. If such district is created all expenses incurred in the formation of the same shall be a charge against such district and shall be paid as other claims against such district.

SEC. 7. Having acquired jurisdiction as provided in the foregoing sections of this act, the board of supervisors shall immediately appoint three commissioners one of whom shall be an engineer, which said commissioners before entering upon the discharge of their duties shall take an oath to faithfully discharge the same, and said commissioners shall proceed to cause a survey of the contemplated improvements in the way of the erection or repair of levees, dikes, and other works for the benefit of the said district, and shall assess all damages which may be done to any land, owner or persons, by reason of the taking of land, property, or otherwise for the erection, or repair of such levees, dikes, or other works, and shall ascertain the names of all persons who waive, or claim, damages for the same. And in the event that said commissioners shall find it necessary to use any levee, or work of protection, which has heretofore been constructed by private enterprise, the said commissioners shall cause the said levee, or other work of protection, to be measured, or appraised and a value placed thereon, and shall ascertain the name of the owner, or owners, of the said levee, or work of protection, and shall assess the same as damages to the owner, or owners. And the said commissioners shall estimate the total cost for all purposes of erecting, constructing or repairing said levees, dikes or other works, and maintaining the same for one year, including all damages awarded and shall thereupon make a report of the foregoing matters to the board of supervisors. The board of supervisors at the next regular meeting after filing of the report of said commissioners, or at the time when the report was filed (if then in session), must fix a day for hearing the same; and must give notice of the time and place of such hearing by publication, at least once each week for at least two successive weeks, before such hearing, in a newspaper published and circulated in the county, to be designated by the board. Said notice shall intelligently describe the proposed route or line upon which said levees, dikes, and other works are to be erected, and the names of the owner of lands, or other property, through which the same runs, if known, and if not known, that fact must be stated. The board must, on the day fixed for the hearing, or to which it may be postponed or continued, hear the evidence offered by parties interested for or against the proposed works, and the damages assessed for the same by said commissioners, and must ascertain, and by order declare, the amount of damage awarded each owner where such damages are claimed, and declare the report of said commissioners to be adopted or rejected in whole, or in part. Said report so adopted showing the estimated damages, costs and expenses for the

Appoint-  
ment of  
commis-  
sioners.

Powers and  
duties of  
commis-  
sioners.

Report cost  
to super-  
visors.

Notice of  
hearing of  
report.

Publi-  
cation of  
notice.

Adoption  
or rejec-  
tion of  
report.

erection or repair, of such dikes, levees, and other works, and the maintaining of the same for one year, shall be the basis for the assessment of the lands within the boundaries of said district for such year, and thereupon such commissioners shall be discharged. And the said board of supervisors shall from year to year thereafter, as may be necessary, appoint three commissioners as hereinbefore provided, whose duties shall be the same as hereinbefore set out, and who shall report to the board of supervisors the necessary costs and expenses for the erection or repair, of dikes, levees, and other works, and the cost of maintaining the same for that year, to the board of supervisors, and said report shall be acted upon and adopted by said board in the same manner as hereinbefore set out, and the adoption of such report shall in each instance form the basis of the estimate of the board of supervisors of the amount of money required to be raised by assessment of said lands within such district for such year.

**SEC. 8.** The commissioners mentioned in this act, other than the engineer, shall receive for their services the sum of \$5.00 per day while actually employed, and such engineer shall receive such compensation as may be agreed upon between said engineer and the board of supervisors, and the compensation of such commissioners, and all expenses incurred by them shall be considered as an expense of the work of improvements of said district, and shall be chargeable and payable as other expenses of such district are paid.

**SEC. 9.** The county assessor of such county shall on or before the first day of September of each year after the formation of such district, and at such other times as the board of supervisors shall require, furnish said board of supervisors with a detailed statement showing the names of all owners of land within the boundaries of said district, and the assessed valuation of said land and improvements thereon, as shown on the last preceding assessment made by such assessor on the lands within such district. The word land shall be held to include all railroad beds within the district.

**SEC. 10.** At the time when by law it is the duty of the board of supervisors of such county to fix the annual tax rate for such county, the said board of supervisors, taking as a basis the last previous report of the commissioners as hereinbefore specified, and adopted by them, for the amount of moneys necessary to be raised in said district for the purposes thereof for that year, and the valuation of the lands and improvements thereon within such district as furnished them by the county assessor, must levy a tax upon all taxable property in such levee district sufficient to raise the amount set forth in the report as made by said commissioners and adopted by said board of supervisors. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate value of the lands and improvements thereon in said district, as shown by the statement prepared and furnished to the said board of supervisors

Basis of assessment of lands.

Commissioners annually appointed.

Annual report of commissioners.

Annual assessment.

Compensation of commissioners.

Duty of county assessor.

Annual tax levy.

Rate of taxation, how ascertained.

by the assessor as hereinbefore provided, and then dividing the sum necessary to be raised in said levee district by the remainder of such aggregate assessed value as shown in said statement as furnished by said assessor. The taxes so levied shall be computed and entered on the assessment roll by the county auditor, and collected at the same time and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of the said levee district in which said taxes was levied. And all taxes so levied as hereinbefore provided shall be a lien upon the lands and properties in said district in the manner and with the same effect, and collected in the same way as are state and county taxes.

Duty of auditor.

Tax, when collected.

Taxes a lien upon land.

SEC. 11. All moneys collected from such district for such taxes, and all moneys received from any source for the benefit of such district shall be by the county treasurer placed in a fund to be called the "—— levee district fund;" and all payments of any of the expense of the work of improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon said fund, and paid by said treasurer, and all claims as well for the land and improvements taken or damages, as for the charges and expenses, shall be paid as are other claims against the county and upon order of the board of supervisors, and the claims shall be itemized in the same manner as are other claims against the county.

Disposition of taxes collected.

Claims, how paid.

SEC. 12. The board of supervisors of such county shall have the same supervision and the same control, and exercise the same authority, over the affairs and property of such district as are given to the said board of supervisors by law over the property and affairs of the county. No levees, dikes, or other works must be constructed or repaired except on the order of the board of supervisors, and when such repair or construction will exceed the sum of \$500.00 the same must be repaired or constructed under a contract let after reasonable notice given by the said board of supervisors, by publishing said notice at least once a week for two weeks in a newspaper published and circulated in said county, and designated by said board. All bids shall be sealed; and shall be opened at the time specified in the notice, and the contract awarded to the lowest responsible bidder. The board may, however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the board of supervisors; *except, however*, in cases of great emergency, by the unanimous consent of the whole board they may proceed at once to replace or repair any and all levees, dikes, or other works of whatever nature, without notice. Prior to the publication of the notice of the letting of any contract for the erection or repair of dikes, levees or other works the board of supervisors must cause to be prepared by a competent engineer, plans, specifications, and working details of such work, which said plans and specifications shall

Authority of supervisors.

Constructed and repaired on order of supervisors.

Contract for construction, etc.

Bids to be advertised for.

Opening of bids.

Acceptance or rejection of bids.

Bond of contractor.

Plans and specifications.

Engineer to superintend construction.  
 Claims approved by engineer.  
 Compensation of engineer.

be adopted by the board of supervisors and filed in the office of the clerk of said board, and shall be subject to inspection by any person for at least two weeks prior to the date of the letting of such contract. The board of supervisors must appoint an engineer to superintend the construction, repair or other work to be done under such plans and specifications and no claims shall be allowed for any work done under any contract let under such plans and specifications without a certificate being first filed in the office of the clerk of the board of supervisors signed by said engineer certifying that such work has been completed and constructed according to such plans and specifications, and the terms of the contract; such engineer shall be paid such compensation as may be agreed upon by said board of supervisors and such compensation shall be paid in the same manner as other claims against said district.

District superintendent.  
 Compensation of superintendent.  
 Employment of engineer and attorney.

SEC. 13. The board of supervisors shall have power to appoint a superintendent for said district whenever said board of supervisors shall deem such superintendent necessary, to supervise, care for and make necessary repairs of all levees, dikes, and other works of said district under the supervision and direction of said board. The compensation of such superintendent shall not exceed the sum of \$50.00 per month and he shall hold his position subject to the will of said board. *Provided*, that whenever the said board of supervisors shall deem it necessary the said board shall have power to employ a competent engineer and an attorney or attorneys at such compensation as may be agreed upon, to perform any and all necessary engineering, and legal work for said district. The compensation of such engineer, attorney or attorneys and such superintendent shall be paid the same as other claims against the said district.

County may contribute to expenses, when.

SEC. 14. Whenever said board of supervisors shall consider that the construction or repair of dikes, levees, or other works of said district along or upon any of the county roads of such county, will be for the mutual benefit of such district and such county, then, in that event, the said board of supervisors shall have power, and may contribute to the expense and cost of such work, such sums of money as they may deem proper on behalf of the county, and such moneys shall be paid out of either the general road fund or the special fund of any road district or in which said work is done, and as a majority of said board of supervisors may determine.

Supervisors may advance money out of general fund, when.

SEC. 15. If at any time in the opinion of the board of supervisors the expenditure of money is absolutely necessary to the welfare of such levee district, and there is no money in the fund of such district to make such necessary expenditures, or the money in such funds is insufficient to make such necessary expenditure, then the board of supervisors may advance such money out of the general fund of the county for such purpose, and as soon as there is sufficient money in

the fund of such levee district to pay the amount so advanced, the board of supervisors shall direct the county treasurer to transfer to the general fund of the county from the fund of said levee district a sum sufficient to repay the amount so advanced.

SEC. 16. This act is not intended to supersede or repeal any other act for the construction or maintenance of ditches, levees, dikes, or works of protection, or for drainage or for reclamation purposes, but is intended as an independent and alternative means of constructing and erecting such ditches, levees, dikes, or other works of protection where most applicable or desirable to the parties interested.

Not to supersede or repeal other acts.

CHAPTER CCCXI.

*An act to amend an act entitled an act to establish a uniform system of county and township governments, approved April 1, 1897, and the amendment thereof approved March 3, 1901, by amending section 205 thereof relating to counties of the forty-eighth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and eight of an act entitled, "An act to establish a uniform system of county and township government," is hereby amended to read as follows:

County government.

Section 205. The county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers of Modoc county (48th class).

1. The county clerk, one thousand five hundred dollars per annum.

County clerk.

2. The sheriff, twenty-five hundred dollars per annum.

Sheriff.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the recorder is paid. This section shall take effect immediately in so far as it relates to the salary of said copyist.

Recorder.

Copyist.

4. The auditor, six hundred dollars per annum.

Auditor.

5. The treasurer, one thousand dollars per annum.

Treasurer.

6. The tax collector, one thousand dollars per annum, and ten per cent on all licenses collected by him as license collector.

Tax collector.

- Assessor. 7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid. This section shall take effect immediately in so far as it relates to the salary of said deputy.
- Deputy.
- District attorney. 8. The district attorney, one thousand two hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Public administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Superintendent of schools. 11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of this county.
- Surveyor; fees. 12. The surveyor, such fees as are now or may hereafter be allowed by law.
- Justices of the peace; fees. 13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
- Constables; fees. 14. Constables, such fees as are now or may hereafter be allowed by law.
- Supervisors. 15. Each supervisor, six dollars per day when the board is in a session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum. This section shall take effect immediately in so far as it relates to the necessary expenses of supervisors while supervising their roads, or while engaged in attending to the business of the county other than the meetings of the board.
- Official court reporter. 16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and at coroner's inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil



cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

Traveling expenses.

## CHAPTER CCCXII.

*An act to amend an act entitled an act to amend an act entitled "An act to establish a uniform system of county and township governments" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof approved March 23, 1901, by amending section one hundred and ninety-one thereof.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 191 of an act entitled an act to amend an act entitled "An act to establish a uniform system of county and township governments" approved April 1, 1897 by amending certain sections thereof, repealing certain other sections thereof approved March 23, 1901, is hereby amended to read as follows:

County government.

Section 191. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers of Tuolumne county (34th class).

1. The county clerk, two thousand four hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

County clerk.

2. The sheriff, four thousand dollars per annum, and the fees, mileage and commissions for the services of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

Sheriff.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five

Recorder.

Fees.

dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

- Auditor. 4. The auditor, one thousand dollars per annum.
- Treasurer. 5. The treasurer, one thousand four hundred dollars per annum.
- Tax collector. 6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.
- Assessor. 7. The assessor, twenty-six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from 12 o'clock meridian of the first Monday of March of each year up to 12 o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as is the salary of the assessor.
- District attorney. 8. The district attorney, fifteen hundred dollars per annum.
- Coroner. 9. The coroner, six hundred dollars per annum.
- Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses while visiting the schools of his county.
- Surveyor; fees. 12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; *and provided further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.
- Supervisors. 13. Supervisors, each the sum of six hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month.
- Classification of townships. 14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of 1900; townships having a population of two thousand four hundred and not over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.
- Justices of the peace. 15. In townships of the first class, justices of the peace shall receive forty dollars a month to be paid each month out

of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them in criminal cases. In townships of the second class, justices of the peace shall receive thirty dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them in criminal cases.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of sixty dollars per month, and constables of townships of the second class shall receive a monthly salary of forty dollars per month. *Provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case he shall be allowed mileage both going and coming, outside of his own county, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; said compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors' and witness fees, in criminal cases, shall be as follows:

18. For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars, for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, twenty-five cents and the county clerk shall certify to the auditor the number of days attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Witness fees shall be as follows:

19. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that such per diem and mileage shall only be allowed on a showing to the court, by the witness, that he is in indigent circumstances and is unable to bear the expense incident to attending court,

while required so to do, and that such per diem and mileage are necessary for the expenses of the witness in attending; and the court shall determine the necessity of the same, and shall then make an order directing the auditor to draw his warrant on the county treasurer for the amount allowed, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

This act shall take effect and be in force from and after its passage and so far as the same relates to the salary of the justices of the peace and constables and the compensation of the official reporter of the superior court, it shall affect and apply to present incumbents.

### CHAPTER CCCXIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April first, one thousand eight hundred and ninety-seven, and the amendment thereof approved March 3, 1901, by amending section one hundred and ninety-six thereof relating to salaries and fees of county and township officers in counties of the thirty-ninth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section one hundred ninety-six of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred ninety-seven, and amended March twenty-third, one thousand nine hundred one, is hereby amended to read as follows:

Salaries of  
officers of  
Merced  
county  
(39th class).

Section 196. In counties of the thirty-ninth class the county officers shall receive as compensation for services required of them by law, by virtue of their offices, the following salaries, to wit:

County  
clerk.  
Sheriff.

1. The county clerk, two thousand dollars per annum.

2. The sheriff, five thousand dollars per annum and fees, commissions and mileage for the service of papers or process coming from courts other than those of his own county.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the same manner and out of the same fund as the salary of the recorder is paid; *and provided* that such recorder shall collect and pay into the county

Copyist.

treasury for the use and benefit of the county the fees required to be paid by law so collected; *and provided* that when the amount of said fees collected shall exceed two hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his own salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary shall not exceed the sum of two thousand dollars in one year.

4. The auditor, one thousand six hundred dollars per annum. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum. Treasurer.

6. The tax collector, one thousand five hundred dollars per annum. Tax collector.

7. The assessor, three thousand dollars per annum, and such fees as now or may hereafter be allowed by law. The assessor shall also be allowed the following deputies, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above twenty-four hundred of such statements and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid. He shall prepare the military roll for which he shall receive five cents for each name thereon; that the assessor shall annually revise the plats in his office and prepare the military roll at his own cost and expense. Assessor. Deputies.

8. The district attorney, one thousand eight hundred dollars per annum. District attorney.

9. The coroner, such fees as are now and may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now and may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, one thousand four hundred dollars per annum, and shall also be allowed the compensation provided by law for services upon the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expense shall not exceed the sum of three hundred dollars in one year. *Provided*, in counties of this class there shall be and is hereby allowed to the superintendent of schools an assistant who shall be appointed by the superintendent of schools and paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools. Traveling expenses. Assistant.

12. The surveyor, such fees as are now or may be hereafter allowed by law. *Provided* the surveyor shall annually revise the plats in the office of the assessor for which he shall receive a sum not to exceed two hundred dollars in any one year. Surveyor; fees.

- Justices of the peace. 13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may hereafter be allowed by law in civil cases. There shall also be allowed the actual rent for their offices, not to exceed ten dollars per month.
- Fees. Office rent. Constables. 14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from the place of arrest to the court, and in case of conviction, from court to the county jail.
- Fees. Expenses. Supervisors. 15. Supervisors, each six hundred dollars per annum for all services performed by them as supervisors and members of the board of equalization and road commissioners, including mileage, *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route in going from his residence to the county seat and returning once during each meeting. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his district, not exceeding twenty dollars in any one month.

## CHAPTER CCCXIV.

*An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all acts and parts of acts in conflict with this act.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All property which shall pass, by will or by the intestate laws of this state, from any person who may die seized or possessed of the same while a resident of this state, or if such decedent was not a resident of this state at the time of death, which property, or any part thereof, shall be within this state, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor, vendor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax hereinafter provided for, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the state; and such tax shall be and remain a lien upon the property passed or transferred until paid and the person to whom the property passes or is transferred and all administrators, executors, and trustees of every estate so transferred or passed shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted.

Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person

Inheritance tax

Tax a lien on property.

Tax on market value.

Transfer taxable

or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omissions or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

When  
value of  
property  
does not  
exceed  
\$25,000.

Amount of  
tax.

SEC. 2. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

(1.) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, *provided, however,* such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

(2.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of one and one half per centum of the clear value of such interest in such property.

(3.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(4.) Where the person or persons entitled to any beneficial interests in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(5.) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

When  
value of  
property  
exceeds  
\$25,000.

SEC. 3. The foregoing rates in section two are for convenience termed the primary rates. When the market value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:



(1.) Upon all in excess of \$25,000 and up to \$50,000, one and one half times the primary rates.

(2.) Upon all in excess of \$50,000 and up to \$100,000, two times the primary rates.

(3.) Upon all in excess of \$100,000 and up to \$500,000, two and one half times the primary rates.

(4.) Upon all in excess of \$500,000, three times the primary rates.

SEC. 4. The following exemptions from the tax are hereby allowed: Exemptions.

(1.) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof shall be exempt.

(2.) Property of the clear value of ten thousand (\$10,000.00) dollars transferred to the widow or to a minor child of the decedent, and of four thousand (\$4000.00) dollars transferred to each of the other persons described in the first subdivision of section 2 shall be exempt.

(3.) Property of the clear value of two thousand (\$2000.00) dollars transferred to each of the persons described in the second subdivision of section 2 shall be exempt.

(4.) Property of the clear value of one thousand five hundred (\$1500.00) dollars transferred to each of the persons described in the third subdivision of section 2 shall be exempt.

(5.) Property of the clear value of one thousand (\$1000.00) dollars transferred to each of the persons described in the fourth subdivision of section 2 shall be exempt.

(6.) Property of the clear value of five hundred (\$500.00) dollars transferred to each of the persons and corporations described in the fifth subdivision of section 2 shall be exempt.

SEC. 5. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section fourteen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon. Estate for life, etc.  
Appraised at market value.

Lien.

shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county; *provided further*, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

Bond  
for the  
payment  
of taxes,  
when  
required.

Verified  
return  
filed.

When  
decedent  
appoints  
executors  
or trustees.

SEC. 6. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Taxes due  
and pay-  
able, when.

SEC. 7. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in section five of this act for the payment of said tax, together with interest.

Interest  
charge,  
when.

Discount,  
when  
allowed.

Bond of  
executors,  
etc.

Penalty  
not to be  
charged in  
certain  
cases.

SEC. 8. The penalty of ten per cent per annum imposed by section seven hereof, for the non-payment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; and in such cases only seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until

the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation.

SEC. 9. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Duty of administrator, executor, etc., regarding taxes.

SEC. 10. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Power to sell property to pay tax.

SEC. 11. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending, and the said treasurer shall give, and every executor, administrator, or trustee shall take, duplicate receipts for such payment, one of which receipts said executor, administrator, or trustee shall immediately send to the controller of the state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall seal said receipt with the seal of his office, and countersign the same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the controller, or a copy thereof, certified by him, and file the same with the court.

Money to be paid county treasurer.

Duty of controller.

SEC. 12. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or

Refund.

upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator, or trustee, if the said tax has not been paid to the county treasurer or to the state controller, or by them, if it has been so paid.

Transfer of  
stocks or  
loans  
subject  
to tax.

SEC. 13. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets of a decedent, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the county treasurer at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets of the estate of a non-resident decedent including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and penalty which may thereafter be assessed on account of the delivery or transfer of such securities, deposits, or other assets including the shares of the capital stock of or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this act, unless the county treasurer consents thereto in writing. And it shall be lawful for the said county treasurer, personally, or by representative, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice and to allow such examination, and to retain a sufficient portion or amount to pay such tax and penalty as herein provided, shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of two times the amount of the tax and penalty due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer; and the payment as herein provided shall be enforced in an action brought in accordance with the provisions of section seventeen of this chapter.

SEC. 14. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the superior court in which the probate proceedings are pending, on the application of any interested party, or upon its own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have or claim an interest in such property, and to such persons as the court may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report the said court shall, by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests, and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income, or interest shall, for the purposes of this act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the insurance commissioner shall, on the application of said court, determine the value of such future or contingent or limited estate, income, or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on presentation of a sworn itemized account and on the certificate of the court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

Court to  
appoint  
appraiser.

Duty of  
appraiser.

Court to  
assess and  
fix tax.

Rate of  
interest.

Duty of  
insurance  
commis-  
sioner.

Compensa-  
tion of  
appraiser.

SEC. 15. Any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

When  
appraiser  
is guilty of  
misdemeanor.

When  
decedent  
was a non-  
resident;  
jurisdic-  
tion of  
court.

SEC. 16. The superior court in the county in which is situate the real property of a decedent who was not a resident of the state, or if there be no real property, then in the county

in which any of the personal property of such non-resident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

Duty of court on non-payment of tax.

SEC. 17. If it shall appear to the superior court, or judge thereof, that any tax accruing under this act has not been paid according to law, it shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax or any person or corporation liable under the law for the payment of said tax to appear before the court on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree, shall conform to the provisions of chapter twelve, of title eleven, of part three of the Code of Civil Procedure; and the clerk of the court shall, upon the request of the district attorney or treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Service of citation.

Duty of clerk of court.

Duty of county treasurer.

SEC. 18. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the district attorney of the proper county, in writing, of such failure to pay such tax, and the district attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the superior court, as provided in section seventeen of this act, for the enforcement and collection of such tax.

Duty of district attorney.

Controller to furnish county clerk's book for record.

Duty of county clerk.

SEC. 19. The controller of state shall furnish to each county clerk a book, which shall be a public record, and in which he shall enter the name of every decedent upon whose estate an application has been made to the superior court for the issuance of letters of administration, or letters testamentary, or ancillary letters, the date and place of death of such decedent, the estimated value of his real and personal property, the names, places of residence, and relationship to him of his heirs-at-law, the names and places of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any real property devised therein, and to whom devised. These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The county clerk shall also enter

in such book the amount of personal property of any such decedent, as shown by the inventory thereof when made and filed in his office, and the returns made by any appraiser appointed by the court under this statute, and the value of annuities, life estates, terms of years, and other property of such decedent, or given by him in his will or otherwise, as fixed by the superior court, and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent under this statute filed with him. The county clerk shall, on the first day of January, April, July and October of each year make a report, in duplicate, upon forms to be furnished by the controller of state, containing all the data and matters required to be entered in such book, and also of the property from which, or the party from which, he has reason to believe the tax under this act is due and unpaid, one of which shall be immediately delivered to the county treasurer and the other transmitted to the state controller.

Report to  
treasurer  
and con-  
troller.

SEC. 20. Whenever the superior court of any county shall certify that there was probable cause for issuing a citation and taking the proceedings specified in section seventeen of this act, the state treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid.

Expenses  
of county  
treasurer,  
how paid.

SEC. 21. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

Treasurer  
to collect  
and pay  
taxes to  
state  
treasurer.

SEC. 22. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum on the first fifty thousand dollars so paid and accounted for by him, one and one half per centum on the next fifty thousand dollars so paid and accounted for by him, and one half of one per centum on all additional sums so paid and accounted for by him.

Fees of  
county  
treasurer.

SEC. 23. The treasurer of each county, in his discretion, for the better furtherance of the purposes of this act, shall be allowed to employ such special attorney or attorneys, as he may deem necessary, who shall have all the authority conferred upon the district attorney by sections 17 and 18 of this act, and such attorney shall be paid for his services out of the fees now allowed the treasurer as provided in section 22 of this act, and that in no case shall such compensation exceed the per centum allowed as such fees.

Special  
attorney  
may be em-  
ployed by  
county  
treasurer.

Copy of receipts.

SEC. 24. Any person, or body politic or corporate, shall, upon payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or a copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the clerk's office in the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be labeled "inheritance tax."

Disposition of money collected.

SEC. 25. All taxes levied and collected under this act, up to the amount of \$250,000 annually, shall be paid into the treasury of the state, for the uses of the state school fund, and all taxes levied and collected in excess of \$250,000 annually shall be paid into the state treasury to the credit of the general fund thereof.

Failure to perform duty.

SEC. 26. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of California the sum of one thousand dollars, to be recovered in an action brought by the attorney-general in the name of the people of the state on the relation of the controller.

Repeal of conflicting acts.

SEC. 27. An act entitled "An act to establish a tax on collateral inheritances, bequests and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and all amendments thereto, and all acts and parts of acts in conflict with this act are hereby expressly repealed.

Meaning of certain words.

SEC. 28. The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state. The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described. The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

Duty of district attorney in case of lien upon property.

SEC. 29. In all cases where any tax has become or shall hereafter become a lien upon any property under or by virtue of any of the provisions of this act the district attorney of the county in which the estate of the decedent mentioned in this act is being administered or has been administered in



probate proceedings, may, whenever any property of said estate has been distributed without the payment to the state of all or any part of the taxes payable on account thereof under this act, bring and prosecute an action or actions in the name of the state as plaintiff, for the purpose of enforcing such lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deraigned through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

(a) Actions may be brought against the state for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought by the state under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

Actions brought against state to quiet title.

(b) All actions under this section shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be

Action, where commenced.

brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

Service of  
summons.

(c) Service of summons in the actions brought against the state shall be made on the secretary of state and on the district attorney of the county in which the estate of the decedent mentioned herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

Procedure  
and  
practice.

(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

Remedies.

(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

SEC. 30. This act shall take effect and be in force from and after July 1, 1905.

## CHAPTER CCCXV.

*An act to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st, 1897, by amending certain sections thereof repealing certain other sections, and adding certain sections thereto," approved March 16th, 1903, by amending section 23 thereof.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section 23 of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 16th, 1903, is hereby amended so as to read as follows:

Section 23. Section one hundred and seventy-six (176) of an act entitled "An act to establish a uniform system of the county and township governments," approved April 1st, one thousand eight hundred and ninety-seven, is hereby amended so as to read as follows:

Salaries of  
officers of  
Contra  
Costa  
county  
(19th class).

Section 176. In counties of the nineteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

County clerk.  
Deputy.

1½. A registration clerk to be appointed by the county clerk and hold office during the pleasure of the county clerk, at a salary of seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers are paid.

Registration clerk.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases, and also all fees for services of papers in actions arising outside of his county and the sum of 37½ cents per day, for feeding each prisoner committed to his custody; and one deputy sheriff to act as jailer, shall be appointed by the sheriff, and be paid a salary of fifty dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Sheriff.  
Deputy.

3. The recorder, thirty-two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index; and ten cents for each and every mortgage, trust-deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county and payable out of the general fund.

Recorder.

4. The auditor, two thousand four hundred dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section 3817 of the Political Code, the sum of 25 cents for each tax sale. If the property is delinquent for two years or less, the sum of fifty cents for each sale if the property is delinquent for more than two years.

Auditor.

If said estimates are returned to the auditor and redemption made within ten days from date of issue and prior to the charge of penalty, as provided for in section number 3817 of the Political Code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy treasurer, who shall be appointed by the treasurer, and paid a salary of sixty-five dollars per month; said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund

Treasurer.  
Deputy.

as the salary of the treasurer is paid; *provided* that a bond of the treasurer shall be executed with a reliable bond and security company, and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

Tax collector.  
License collector.  
Deputy.

6. The tax collector, eighteen hundred dollars per annum, and as license tax collector, ten per cent of all licenses collected; *provided*, that in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and paid a salary of sixty-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

District attorney.  
Deputy.

7. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney, who shall be appointed by the district attorney, and paid a salary of one hundred dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Superintendent of schools.  
Deputy.

8. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Assessor.  
Deputy.

9. The assessor, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor, to hold office during the months of March, April, May, and June in each year and be paid a salary of seventy-five dollars per month, during said four months, said salary to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

Coroner; fees.

10. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator; fees.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor; fees.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; in

townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; in townships having a population of twelve hundred and less than two thousand, forty dollars a month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expense of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred and three, and on the first Monday after the first day of January every succeeding two years thereafter.

16. Each member of the board of supervisors, nine hun-

Constables.

Traveling expenses.

Fees.

Popu-  
lation of  
judicial  
townships.Supervis-  
ors.

dred dollars per annum: And as road commissioner, three hundred dollars per annum.

Jurors.

17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day, three dollars; and for each mile actually traveled, in attending court as a grand juror or juror in a criminal case, in the superior court in going only, per mile, fifteen cents. The county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same.

## CHAPTER CCCXVI.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, by amending section 201 thereof relating to salaries and fees of county and township officers, in counties of the forty-fourth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section two hundred and one (201) of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Salaries of officers of Madera county (44th class).

Section 201. In counties of the forty-fourth class, the county officers shall receive, as compensation for the services required by them by law or by virtue of their offices, the following salaries, to wit:

County clerk.

1. The county clerk, eighteen hundred dollars per annum.

Sheriff.

2. The sheriff, forty-two hundred dollars per annum, and such mileage as is allowed by law, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for the service of papers in civil cases in his own county, and the actual expenses incurred in criminal cases, and fifteen cents for each meal for feeding prisoners confined in the county jail.

Recorder.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addi-

Fees.

tion to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

- |                                                                                                                                                                                                                                                                                                          |                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 4. The auditor, fifteen hundred dollars per annum.                                                                                                                                                                                                                                                       | Auditor.                     |
| 5. The treasurer, fifteen hundred dollars per annum.                                                                                                                                                                                                                                                     | Treasurer.                   |
| 6. The tax collector, twelve hundred dollars per annum.                                                                                                                                                                                                                                                  | Tax collector.               |
| 7. The assessor, twenty-five hundred dollars per annum.                                                                                                                                                                                                                                                  | Assessor.                    |
| 8. The district attorney, eighteen hundred dollars per annum.                                                                                                                                                                                                                                            | District attorney.           |
| 9. The coroner, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                 | Coroner; fees.               |
| 10. The public administrator, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                   | Public administrator; fees.  |
| 11. The superintendent of schools, ten hundred dollars per annum.                                                                                                                                                                                                                                        | Superintendent of schools.   |
| 12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.                                                                                                                                                                  | Surveyor.                    |
| 13. Justices of the peace, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                      | Justices of the peace; fees. |
| 14. Constables, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                 | Constables; fees.            |
| 15. Each member of the board of supervisors, six hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residence to the county seat, not more than once each month.                                                                                            | Supervisors                  |
| 16. In counties of this class the official reporter of the superior court shall receive such fees as are now and may hereafter be allowed by law.                                                                                                                                                        | Official court reporter.     |
| 17. In counties of this class the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed seventy-five dollars per month. | Horticultural commissioner.  |

## CHAPTER CCCXVII.

*An act to amend an act entitled "An act to amend section thirty-six of an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st., 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23rd., 1901, relating to counties of the thirty-second class, and to the powers, and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19th., 1903, and in this act relating to the compensation of the county recorder, auditor, treasurer, county clerk, district attorney and members of the board of supervisors.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section one of an act entitled "An act to amend an act entitled 'An act to amend section thirty-six of an act entitled 'An act to establish a uniform system of county and township governments' approved April 1st., 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto' approved March 23rd., 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19th., 1903, is hereby amended to read as follows:

Section 1. Section thirty-six of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

Salaries of  
officers of  
San Mateo  
county  
(32d class).

Section 189. In counties of the thirty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County  
clerk.

1. The county clerk, three thousand dollars per annum, and in any year when a new great register of voters is required by law, he shall receive five hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled in going only.



3. The recorder, three thousand five hundred dollars per annum. Recorder.
4. The auditor, one thousand eight hundred dollars per annum. Auditor.
5. The treasurer, one thousand eight hundred dollars per annum. Treasurer.
6. The tax collector, two thousand dollars per annum. Tax collector.
7. The assessor, four thousand dollars per annum. Assessor.
8. The district attorney, two thousand four hundred dollars per annum. District attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner; fees.
10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator; fees.
11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.
12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same. Surveyor.
13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: Justices of the peace.
- In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.
14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more Constables.

than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county.

Expenses. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

Board of education. 15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.

Supervisors. 16. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner, he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

SEC. 2. This act shall take effect 12 m., on the first Monday after January 1st, 1907.

## CHAPTER CCCXVIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April first, eighteen hundred and ninety-seven, and amended March 23, 1901, by amending section 178 thereof relating to the compensation of officers of counties of the twenty-first class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and seventy-eight of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven is hereby amended to read as follows:

178. In counties of the twenty-first class county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a great register of votes is ordered he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering votes and making the great register.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justice's courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, four hundred dollars per annum.

County government.

Salaries of officers of Nevada county (21st class).

County clerk.

Sheriff.

Recorder.

Auditor.

Treasurer.

Tax collector.

Assessor.

District attorney.

Deputy.

Coroner: fees.

Public administrator; fees.

Superintendent of schools.

11. The superintendent of schools, two thousand dollars per annum; *provided*, if he shall engage in any other occupation during his term of office his salary shall only be six hundred dollars per annum.

Surveyor; fees.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Supervisors.

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

Justices of the peace.

14. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by him in criminal cases; *provided further*, that justices of the peace shall, before receiving their monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

Constables.

15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided further* that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. For the purpose of regulating salaries of justices and constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred.

Official court reporter.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be

hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

17. This act shall take effect on and after its passage.

## CHAPTER CCCXIX.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending section two hundred thereof, relating to the compensation of officers of the forty-third class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred of an act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and as amended March 19, 1903, is hereby amended to read as follows:

Section 200. In counties of the forty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

- |                                                                                                                                                                                                                                                                                                               |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1. The county clerk, one thousand eight hundred dollars per annum.                                                                                                                                                                                                                                            | County clerk.               |
| 2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county. | Sheriff.                    |
| 3. The recorder, twelve hundred dollars per annum.                                                                                                                                                                                                                                                            | Recorder.                   |
| 4. The auditor, six hundred dollars per annum.                                                                                                                                                                                                                                                                | Auditor.                    |
| 5. The treasurer, one thousand two hundred dollars per annum.                                                                                                                                                                                                                                                 | Treasurer.                  |
| 6. The tax collector, seven hundred dollars per annum.                                                                                                                                                                                                                                                        | Tax collector.              |
| 7. The assessor, twenty-four hundred dollars per annum.                                                                                                                                                                                                                                                       | Assessor.                   |
| 8. The district attorney, one thousand five hundred dollars per annum.                                                                                                                                                                                                                                        | District attorney.          |
| 9. The coroner, such fees as are now or may hereafter be allowed by law.                                                                                                                                                                                                                                      | Coroner; fees.              |
| 10. The public administrator, such fees as now or may hereafter be allowed by law.                                                                                                                                                                                                                            | Public administrator; fees. |

Superintendent of schools.  
Surveyor.

11. The superintendent of schools, one thousand six hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Constables.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Supervisors.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

Board of education.  
Secretary.

16. Each member of the county board of education, including the secretary, shall receive one hundred and fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile, one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

Population of judicial townships.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships

shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

### CHAPTER CCCXX.

*An act to amend section 193 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and all acts amendatory thereof relating to the salaries of county and township officers in counties of the thirty-sixth class and repealing all conflicting acts.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 193 of an act entitled "An act to establish a uniform system of county and township governments" approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

Section 193. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

- |                                                                                                                                                                                                                                                                                                                            |                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1. The county clerk, twenty-two hundred dollars per annum.                                                                                                                                                                                                                                                                 | County government.                                  |
| 2. The sheriff, forty-five hundred dollars per annum.                                                                                                                                                                                                                                                                      | Salaries of officers of Tehama county (36th class). |
| 3. The recorder, three thousand dollars per annum.                                                                                                                                                                                                                                                                         | County clerk.                                       |
| 4. The auditor, one thousand dollars per annum.                                                                                                                                                                                                                                                                            | Sheriff.                                            |
| 5. The treasurer, one thousand eight hundred dollars per annum.                                                                                                                                                                                                                                                            | Recorder.                                           |
| 6. The tax collector, one thousand dollars per annum, and 5 per cent on all licenses collected by him as license collector.                                                                                                                                                                                                | Auditor.                                            |
| 7. The assessor, two thousand five hundred dollars per annum.                                                                                                                                                                                                                                                              | Treasurer.                                          |
| 8. The district attorney, one thousand eight hundred dollars per annum.                                                                                                                                                                                                                                                    | Tax collector.                                      |
| 9. The coroner, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                                   | Assessor.                                           |
| 10. The public administrator, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                     | District attorney.                                  |
| 11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.                                                                                                                                                                     | Coroner; fees.                                      |
| 12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; <i>provided</i> , that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court | Public administrator; fees.                         |
|                                                                                                                                                                                                                                                                                                                            | Superintendent of schools.                          |
|                                                                                                                                                                                                                                                                                                                            | Surveyor.                                           |

or the board of supervisors; *provided further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Justices of  
the peace;  
fees.  
Consta-  
bles; fees.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

Supervis-  
ors.

15. Each supervisor, seven hundred and fifty dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of seven hundred and fifty dollars shall be payable monthly.

## CHAPTER CCCXXI.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April first, one thousand eight hundred ninety-seven, by amending section one hundred ninety-six thereof relating to salaries and fees of county and township officers in counties of the thirty-eighth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 42. Section one hundred and ninety-five (195) of an act entitled "An act to establish a uniform system of county and township governments," approved March 23, 1901, is hereby amended to read as follows:

Salaries of  
officers of  
Stanislaus  
county  
(38th class).

Section 195. In counties of the thirty-eighth (38) class (Stanislaus) the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County  
clerk.

1. The county clerk, two thousand seven hundred dollars per annum; *and provided* that in each year when a new registration is required he shall receive in addition to his salary the sum of ten (10) cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county.

Sheriff.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed



two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of three thousand dollars in any one year.

4. The auditor, one thousand six hundred dollars per annum. Auditor.

5. The treasurer, one thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. Treasurer.

6. The tax collector, one thousand dollars per annum, and the fees and commissions now or hereafter allowed by law. Tax collector.

7. The assessor, two thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above two thousand five hundred of such statements, and not to exceed in all six deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period of not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid. Assessor. Deputies.

8. The district attorney, two thousand dollars per annum. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner; fees.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator; fees.

11. The superintendent of schools, one thousand five hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expense shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of fifty dollars per month, to be paid at the same time and in the same manner as other county officers. Superintendent of schools. Deputy.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand dollars per annum; said deputy to be appointed by the principal and be paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make and correct all necessary plats, maps, and block books for the assessor's office, and all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, on the representations of Surveyor. Deputy. Duty.

the county surveyor, it is necessary to employ additional assistance for the performance of said work, the board of supervisors shall allow the necessary and actual expense therefor; *provided* he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors.

Classifica-  
tion of  
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred: Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of the fifth class; townships having a population of less than six hundred and fifty shall belong to and be known as townships of the sixth class; *providing*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of  
the peace.

13½. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and

sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage, both going and returning, outside of his own county, at the rate of ten cents per mile. Expenses.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall, from and after the passage of this act, act as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners. Supervisors.

16. Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed. Witnesses.

## CHAPTER CCCXXII.

*An act authorizing the board of regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of regents of the University of California are hereby authorized to exchange the tract consisting of twenty (20) acres of land, at present constituting the Santa Monica Forestry Station, for another larger and more advantageously situated tract if in the judgment of the said board and of the governor of the state such exchange shall

Regents of the University, authority to exchange certain property.

better serve the purposes for which said station was originally established.

Secretary  
of state,  
authority  
of.

SEC. 2. The secretary of state is hereby authorized on behalf of the State of California to deed the tract at present constituting the Santa Monica Forestry Station to the party or parties owning the land selected for exchange by said board, *provided* that such parties shall previously give a good and lawful deed vesting the title to such lands as have been selected as a desirable equivalent for the present station tract, in the board of regents of the University of California, *and provided further* that such deed shall be given only after the secretary of said board shall have certified that such conditions as may be necessary to insure the integral transfer of the tree species now growing at the Santa Monica Forestry Station have been fulfilled.

Offer of  
exchange,  
considera-  
tion of.

SEC. 3. After ninety (90) days following the passage of this act the board of regents of the University of California may proceed to consider such offer or offers of exchange as shall have been made, *provided* lands so offered shall lie within the climatic conditions of the southern coast belt.

Report to  
governor.

SEC. 4. After the said board of regents have considered any offers of exchange as shall come before them within the time specified, they shall report to the governor of the state the results of their deliberations. If an exchange is agreed upon the governor shall instruct the secretary of state to draw and deliver the deed of the said station tract in accordance with section 2 of this act; *provided* that such action shall be taken within six (6) months from and after the date of the passage of this act.

Exchange  
agreed  
upon,  
duty of  
governor.

### CHAPTER CCCXXIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section 185 of an act entitled "An act to establish a uniform system of county and township governments" approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, is hereby amended so as to read as follows:

Section 185. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices the following salaries and fees, to wit: Salaries of officers of Placer county (28th class).

1. The county clerk, three thousand two hundred fifty dollars per annum; and in each year in which a new and complete registration of voters is required by law, he shall receive such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. County clerk.
2. The sheriff, six thousand dollars per annum. Sheriff.
3. The recorder, two thousand two hundred fifty dollars per annum. The recorder shall collect and pay into the county treasury the fees required by law. Recorder.
4. The auditor one thousand dollars per annum. Auditor
5. The treasurer two thousand dollars per annum. Treasurer.
6. The tax collector one thousand dollars per annum. Tax collector.
7. The assessor four thousand two hundred and fifty dollars per annum. Assessor.
8. The district attorney, two thousand two hundred fifty dollars per annum. District attorney.
9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner; fees.
10. The public administrator, such fees as are now, or may hereafter be allowed by law. Public administrator; fees.
11. The superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided* that he shall keep his office open from 9 o'clock A. M. to 5 o'clock P. M. of each business day. Superintendent of schools. Traveling expenses. Deputy.
12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field. Surveyor.
13. The justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month. Justices of the peace; fees.
14. The constable shall receive the following fees, to wit: Constables; fees.  
for serving summons and complaint, for each defendant

served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaints or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent, to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage, his actual and necessary expenses for himself and prisoner; *provided*, that where two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

Expenses.

Supervisors.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner, he shall receive twenty cents per mile one way for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner.

Jurors.

16. In counties of this class grand jurors and jurors in the

superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

#### CHAPTER CCCXXIV.

*An act to amend an act entitled "An act to amend an act entitled an act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending section 206.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and six of an act entitled "An act to amend an act entitled an act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, is hereby amended to read as follows: County government.

Section 206. In counties of the forty-ninth class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, to wit: Salaries of officers of Mariposa county (49th class).

1. The county clerk, twelve hundred dollars per annum, except in the years where a general election is held, and in such years he shall receive fifteen hundred dollars per annum. County clerk.

2. The sheriff, thirty-eight hundred dollars per annum. Sheriff.

3. The recorder, twelve hundred dollars per annum, *provided* that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and, provided*, that when the amount of said fees collected shall exceed one hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any month, so collected; *and, provided*, that the recorder may retain for his own use, all fees collected for filing or recording proofs of labor or notices of location of mining claims. Recorder.

4. The auditor six hundred dollars per annum. Auditor.

5. The treasurer twelve hundred dollars per annum. Treasurer.

6. The tax collector one thousand dollars per annum and ten per cent on all licenses collected by him. Tax collector.

7. The assessor one thousand six hundred and fifty dollars per annum. Assessor.

8. The district attorney one thousand four hundred dollars per annum. District attorney.

9. The coroner such fees as are now or may be hereafter allowed by law. Coroner; fees.

Public administrator; fees. 10. The public administrator such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, six hundred dollars per annum and actual traveling expenses while visiting the schools of the county.

Surveyor; fees. 12. The surveyor such fees as are now or may be hereafter allowed by law.

Justices of the peace; fees. 13. Justices of the peace such fees as are now or may be hereafter allowed by law.

Constables; fees. 14. Constables such fees as are now or may be hereafter allowed by law.

Supervisors. 15. Each member of the board of supervisors five dollars per day for each day's actual service while the board is in session and ten cents per mile for each mile necessarily traveled to and from the place of meeting; also three dollars per day for each day's service while serving as road commissioner. Such compensation, as road commissioner, not to exceed three hundred dollars per annum.

Jurors. 16. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

The provisions of section two hundred and six of this act, so far as the same relates to fees of jurors, shall take effect on August 1, 1901.

This act shall take effect and be in force from and after its passage.

## CHAPTER CCCXXV.

*An act authorizing the bringing of actions on behalf of the state for the purpose of enforcing the lien or liens of taxes under an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several acts amendatory thereof; and to authorize the bringing and prosecution of actions against the state, for the purpose of quieting title against claims of liens made by or upon behalf of the state under the said act and the acts amendatory thereof, and to regulate the procedure in such actions.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Collateral inheritance tax.

**SECTION 1.** In all cases where any tax has become or shall hereafter become a lien upon any property under or by virtue of any of the provisions of an act entitled "An act to establish



a tax on collateral inheritances, bequests and devises, to provide for its collection and to direct the disposition of the proceeds" approved March 23, 1893, and the several acts amendatory thereof, the district attorney of the county in which the estate of the decedent mentioned in said act and the acts amendatory thereof is being administered or has been administered in probate proceedings, may, whenever any property of said estate has been distributed without the payment to the state of all or any part of the taxes payable on account thereof under said act and the acts amendatory thereof, bring and prosecute an action or actions in the name of the state as plaintiff, for the purpose of enforcing such lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deraigned through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

Action may be brought to collect.

SEC. 2. Actions may be brought against the state for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under said act of March 23, 1893, and the several acts amendatory thereof, or for the purpose of having it determined that any property is not subject to any lien for taxes under said act and the acts amendatory thereof. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent who has died since the said act of March 23, 1893, went into effect, or who may hereafter die, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought under the provisions of section one of this act, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except

Actions to quiet title.

when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

Actions,  
where com-  
menced.

SEC. 3. All actions under sections 1 and 2 of this act shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned in said sections 1 and 2.

Service of  
summons.

SEC. 4. Service of summons in the actions mentioned in section 2 hereof shall be made on the secretary of state and on the district attorney of the county in which the estate of the decedent mentioned in said section is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

Procedure  
and  
practice.

SEC. 5. The procedure and practice in all actions brought under this act, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

Remedies.

SEC. 6. The remedies provided in this act shall be in addition to and not exclusive of any remedies provided in the said act of March 23, 1893, and the several acts amendatory thereof.

## CHAPTER CCCXXVI.

*An act to amend an act entitled "An act to establish a uniform system of county and township government, approved April 1st, 1897 and as amended March 23, 1901 and March 19, 1903, by amending section one hundred and ninety (190) thereof, relating to counties of the thirty-third (33) class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section one hundred and ninety (190) of an act entitled "An act to establish a uniform system of county and township government, approved April 1st, 1897, and as amended March 23, 1901 and March 19, 1903, is hereby amended to read as follows:

Salaries of  
officers of  
Calaveras  
county  
(33d class).

Section 190. In counties of the thirty-third (33) class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars (\$1500) per annum. County clerk.
2. The sheriff, three thousand five hundred dollars (\$3500) per annum, and a jailer at fifty dollars (\$50) per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees and commissions for all services of all papers whatsoever issued by any court of the state outside of his own county. Sheriff.
3. The recorder, one thousand five hundred dollars (\$1500) per annum. Recorder.
4. The auditor, one thousand dollars (\$1000) per annum. Auditor.
5. The treasurer, one thousand five hundred dollars (\$1500) per annum. Treasurer.
6. The tax collector, twelve hundred dollars (\$1200) per annum and ten per cent of all licenses collected by him; and a deputy, at four dollars (\$4) per day for not more than one hundred (100) days in any one year, to be paid out of the county treasury. Tax collector.
7. The assessor, two thousand five hundred dollars (\$2500) per annum and two deputies at a salary of five dollars (\$5) each per day for not more than one hundred (100) days in any one year, and two deputies additional, at a salary of five dollars (\$5) each per day for not more than fifty (50) days in any one year; such deputies to be paid out of the county treasury. Assessor. Deputies.
8. The district attorney, two thousand dollars (\$2000) per annum and necessary traveling expenses to be allowed by the board of supervisors. District attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner; fees.
10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator; fees.
11. The superintendent of schools, fifteen hundred dollars (\$1500) per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.
12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer. Surveyor; fees.
13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand (4000), justices of the peace shall receive a monthly salary of sixty (\$60) dollars per month, and constables a monthly salary of sixty-five dollars (\$65) per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases. Township officers.

Township  
officers.

In townships having a population of more than twenty-seven hundred (2700), and not exceeding four thousand (4000), justices of the peace shall receive a monthly salary of thirty dollars (\$30) per month, and constables a monthly salary of forty dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand (2000) and less than twenty-seven hundred (2700), justices of the peace shall receive a monthly salary of twenty-five dollars (\$25) per month and constables a monthly salary of thirty-five dollars (\$35) per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

Fees in  
civil cases.

Actual  
expenses.

In townships having a population of less than two thousand (2000), justices of the peace shall receive a monthly salary of twenty dollars (\$20) per month and constables a monthly salary of twenty-five dollars (\$25) per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; and *provided further*, that for the purpose of this act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

Supervis-  
ors.

14. Each supervisor, six hundred dollars (\$600) per annum and twenty (20) cents per mile traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; *provided*, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars (\$400) per annum.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, three (3) dollars; for each mile actually traveled one way as such grand juror, or trial juror in criminal cases, in the superior court, under summons or order of the court,

twenty-five cents. The county clerk shall certify to the auditor the number of day's attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

16. This act shall take effect and be in force from and after its passage and so far as it relates to the fees and mileage of jurors and traveling expenses of constables, shall take effect immediately, but shall not affect the compensation of other officers during the present term of office.

## CHAPTER CCCXXVII.

*An act to amend section six hundred and two (602) of an act entitled "An act to establish a Political Code" approved March 12, 1872 and to add a new section to said act to be numbered six hundred and twelve a (612a) relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and two of the Political Code of the State of California is hereby amended so as to read as follows:

602. *What constitutes insolvency.* Whenever provisions for the liabilities of any person engaged in the business of fire, marine, or inland navigation insurance in this state, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at fifty per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair his capital stock paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such person is insolvent; and in case of a person engaged in such insurance in this state, on the mutual plan, if the available cash assets of such person shall not exceed his liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such person is insolvent; and wherever provision for the liabilities of any person engaged in the business of insuring any one against loss or damage resulting from accident to or injury suffered by an employé or other person for which the person insured may be liable, for losses reported, expenses, taxes, and reinsurance of all outstanding risks estimated as provided in section 612a of the Political Code would so far impair his capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per

Insurance companies other than life and accident, when insolvent.

Accident insurance companies, when insolvent.

Insurance companies other than life and title, when insolvent.

Mutual insurance companies, when insolvent.

Life insurance companies, when insolvent.

Title insurance companies, when insolvent.

cent of said capital stock paid in, such person is insolvent; and whenever provision for the liabilities of any person engaged in any kind of insurance business in this state, other than life, liability and insurance of titles to real estate, provided for in section four hundred and twenty of the Civil Code of this state, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the state of New York, would so far impair his capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such person is insolvent; and in case of a person engaged in such insurance business in this state, on the mutual plan, if his available cash assets shall not exceed his liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such person is insolvent. In the case of a company or a corporation engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes, and reinsurance of all its outstanding risks, at rates based upon the American Experience Table of Mortality, and interest at the rate of three and one half per centum per annum, exceeds its assets, such company or corporation is insolvent. In the case of a corporation or company engaged in the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, and taxes, would, after exhausting its surplus fund, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such corporation or company is insolvent.

SEC. 2. A new section is hereby added to the Political Code of the State of California to be known as section six hundred and twelve *a* (612*a*) and to read as follows:

Insurance companies; liabilities, what shall be charged as.

612*a*. In estimating the condition of any person engaged in the business of liability insurance under the provisions of this article the insurance commissioner shall charge as liabilities all outstanding indebtedness of such person, and the premium reserve on policies in force, equal to the unearned portions of the gross premiums charged for covering the risks, computed on each respective risk from the date of the issuance of the policy. There shall also be charged as a liability to each person engaged in the business of insuring any one against loss or damage resulting from accident to or injury suffered by an employé or other person for which the person insured may be liable whether a natural person, a firm or a corporation organized under the laws of this or any other state or country a further reserve as hereinafter provided. For the purpose of computing said reserve, each person who has been engaged in liability underwriting for ten years or more, shall, on or before the first day of October in each year, state in writing to the insurance commissioner his experience in the United States, under all forms of liability policies, each year separately according to the calendar years

Reserve fund, how computed.

Statement to the insurance commissioner.

in which the policies were written, during a period of five years commencing ten years previous to the thirty-first day of December of the year in which the statement is made, in the following particulars, namely: the number of persons reported injured under all of the forms of liability policies, whether such injuries were reported to the home office of the given person or to any of his representatives; the amount of all payments made on account or in consequence of injuries reported under such policies; the number and amount, separately, of all suits or actions against policy holders under such policies which have been settled, either by payment or compromise; both of the above amounts to be ascertained as of date of the thirty-first day of August of the year in which the statement is made, and to include in the case of suits all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought. Each such person shall thereupon reserve upon all said kind of policies, irrespective of the date at which the policies were issued, (1) for each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given person or to any of his representatives, and which is being defended for or on account of the holder of any such policy the average cost thereof as shown by said experience, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given person or to any of his representatives, the average cost for each injured person as shown by said experience. From the sum so ascertained the person may deduct (1) the amount of all payments on said pending suits on injuries reported prior to eighteen months, including all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought, and (2) the amount of all payments made on account or in consequence of said injuries reported within eighteen months; both of the above amounts to be taken as of the date at which the statement is made. Any person who now issues, or shall hereafter issue, liability policies as aforesaid, and who has not been engaged in liability underwriting for ten years, shall nevertheless, until such times as he may be able to state his experience of the period hereinbefore required, make and maintain a reserve upon all said kind of policies, irrespective of the date at which the policies were issued, determined as follows:

(1) For each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given person or to any of his representatives, and which is being defended for or on account of the holder of any such policy the average cost thereof as shown by the average of said experience of all other persons stated as

What  
statement  
shall  
contain.

Reserve.

Suit or  
pending  
action.

required by this section, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given person or to any of his representatives, the average cost for each injured person as shown by the average of said experience of all other persons stated as required by this section; which average costs for suits and for injured persons shall be furnished by the insurance commissioner to each such person on or before the first day of December, in each year. From the sum so ascertained each such person may deduct (1) the amount of all payments on said pending suits on injuries reported prior to eighteen months, including all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought, and (2) the amount of all payments made on account or in consequence of said injuries reported within eighteen months; both of the above amounts to be taken as of the date at which the statement is made.

#### CHAPTER CCCXXVIII.

*An act to amend section one of an act entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions and officers, and directing the disposition of the same," approved March seventeenth, eighteen hundred and ninety-nine.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions and officers, and directing the disposition of the same," approved March seventeenth, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Section 1. All moneys belonging to the state received from any source whatever by any officer, commissioner or commissioner, board of trustees, board of managers or board of directors, shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time, on the order of the controller, be paid into the state treasury; *provided*, in the case of any state hospital, asylum, prison, school or harbor, supported by or under control of the state said money shall be credited to a fund to be known as the contingent fund of the particular institution from which such money is received, and may be

Moneys  
belonging  
to the state  
to be paid  
into the  
treasury.

Credited to  
certain  
funds.



expended under the same laws and provisions that govern the expenditure of money appropriated for the support of such institutions, *and provided*, that in every case where the law directs the board of trustees, managers or directors, or officer to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school or other institution, or to provide a discharged inmate with any sum of money or with wearing apparel, such amount of money necessary shall be paid by the board of trustees, managers or directors or officer, upon demand; and in the statement to the controller herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury; *provided, further*, that all money collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected, except so much thereof as may be necessary to pay the expense of urgent repairs, not to exceed in the aggregate six thousand dollars per month, which sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the water front under the jurisdiction of such board of harbor commissioners, without advertising the proposals therefor.

Excep-  
tions.

Same.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCXXIX.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments" approved April 1st, 1897, and amended March 23rd, 1901, by amending section one hundred and eighty-two (182) thereof relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and eighty-two (182) of an act entitled "An act to establish a uniform system of county and township governments" approved April 1st, 1897, and as amended March 23rd, 1901, is hereby amended so as to read as follows:

County  
govern-  
ment.

Section 182. In counties of the twenty-fifth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of  
officers of  
San Luis  
Obispo  
county  
(25th class).

1. The county clerk, four thousand dollars per annum.
2. The sheriff, five thousand five hundred dollars per annum.

County  
clerk.  
Sheriff.

- Recorder. 3. The recorder, two thousand dollars per annum, and six cents for each folio recorded. *Provided*, that the six cents per folio for recording shall go into effect immediately.
- Auditor. 4. The auditor, twenty-four hundred dollars per annum.
- Treasurer. 5. The treasurer, twenty-seven hundred dollars per annum.
- Tax collector. 6. The tax collector, two thousand dollars per annum, and one deputy at nine hundred dollars per annum.
- Assessor. 7. The assessor, four thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
- District attorney. 8. The district attorney, twenty-five hundred dollars per annum.
- Coroner; fees. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator; fees. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy, at nine hundred dollars per annum.
- Surveyor. 12. The surveyor, shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.
- Justices of the peace; fees. 13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
- Constables; fees. 14. Constables, such fees as are now or may be hereafter allowed by law.
- Supervisors. 15. Each supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; *provided* that not more than one mileage for one session of the board shall be allowed. For serving as road commissioner, two hundred dollars per annum.

#### CHAPTER CCCXXX.

*An act to amend an act entitled, "An act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23rd, 1901, by amending section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 183 of an act to amend an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

Section 183. In counties of the twenty-sixth class, the officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum, and twelve and a half cents for each elector registered. Salaries of officers of Kern county (26th class).  
County clerk.

2. The sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his county. Sheriff.

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed. Recorder.

4. The auditor, two thousand dollars per annum. Auditor.

5. The treasurer, two thousand dollars per annum. Treasurer.

6. The tax collector, three thousand dollars per annum. Tax collector.

7. The assessor, five thousand dollars per annum. Assessor.

8. The district attorney, four thousand dollars per annum; *provided*, that he shall be disqualified from engaging in any cause or action to which the county or state is not a party. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner; fees.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator; fees.

11. The superintendent of schools, eighteen hundred dollars per annum (which shall include his services as a member of the board of education), and his actual traveling expenses when visiting schools, not to exceed ten dollars per district. Superintendent of schools.

12. The surveyor shall receive twelve hundred dollars per annum, and traveling and official expenses in the county. Surveyor.

13. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat. Supervisors.

14. In counties of this class the township officers shall receive the following compensation, to wit: Justices of the peace and constables.

In townships having a population of six thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month;

In townships having a population of three thousand, or more, and less than six thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eighteen hundred and forty-four, or more, and less than three thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars;

In townships having a population of seventeen hundred and seventy-five, or more, and less than eighteen hundred and forty-four, justices of the peace shall receive a monthly salary

Justices of  
the peace  
and con-  
stables.

of ten dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of seventeen hundred and sixty, or more, and less than seventeen hundred and seventy-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars per month;

In townships having a population of thirteen hundred and eighty, or more, and less than seventeen hundred and sixty, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eleven hundred and seventy-five, or more, and less than thirteen hundred and eighty, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

In townships having a population of eight hundred and eighty, or more, and less than eleven hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of seven hundred and eighty, or more, and less than eight hundred and eighty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month;

In townships having a population of seven hundred and sixty-five or more, and less than seven hundred and eighty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and forty, or more, and less than seven hundred and sixty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and five, or more, and less than six hundred and forty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of five hundred and sixty, or more, and less than six hundred and five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of two hundred and ten, or more, and less than five hundred and sixty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars;

In townships having a population of less than two hundred and ten, justices of the peace shall receive a monthly salary

of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expense of such transportation; Expenses.

Said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases. Fees in civil cases.

*And provided, further*, that for the purposes of this act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five. Population of townships, how computed.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds, that county officers are paid.

15. The official reporter of the superior court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury at the same time and in the same manner and from the same fund as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of fifteen cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Official court reporter.

16. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXXXI.

*An act to repeal an act entitled "An act to regulate fees in the city and county of San Francisco," approved February 9, 1866.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act to regulate fees in the city and county of San Francisco," approved February 9, 1866, is hereby repealed. Regulating fees in San Francisco.

SEC. 2. This act shall take effect immediately. Repeal of act.

## CHAPTER CCCXXXII.

*An act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Title to  
state land  
fraudu-  
lently  
obtained.

SECTION 1. Whenever it shall appear by final decree of any court of competent jurisdiction that title to any lands subject to sale by the State of California was obtained, or sought to be obtained, by fraudulent means, or in any manner contrary to the laws of this state relating to the acquisition of its public domain, all payments made in the interest of said fraudulent title shall revert to the State of California without suit, and it shall thereupon become the duty of the state surveyor-general and ex-officio register of the state land office to cancel all evidence of title to any land embraced in such fraudulent or invalid location, and to restore said land to public entry.

Payments  
to revert  
to state.

Land  
restored  
to public  
entry.

SEC. 2. This act shall take effect from and after the date of its passage.

## CHAPTER CCCXXXIII.

*An act to amend an act entitled "An act to enforce the educational rights of children and providing penalties for violation of the act." Approved March 24th, 1903.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of "An act to enforce the educational rights of children and providing penalties for violation of the act" approved March 24th, 1903, is hereby amended so as to read as follows:

Children  
to attend  
school.

Section 1. Unless excused as hereinafter provided, each parent, guardian, or other person, in the State of California, having control or charge of any child between the ages of eight and fourteen years, shall be required to send such child to a public school, during the time in which a public school shall be in session, in the city or city and county or school district in which said child resides; *provided*, that should it be shown to the satisfaction of the board of education of the city or city and county, or of the board of trustees of the school dis-

Excep-  
tions.

trict, in which such child resides, that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at school, or application to study, a certificate from any reputable physician that the child is not able to attend school, or that its attendance is inadvisable, must be taken as satisfactory evidence by any such board, or that such child is being taught in a private school, or by a private tutor, or at home by any person capable of teaching, in such branches as are usually taught in the primary and grammar schools of this state; or that any such child between the age of twelve and fourteen years has been given a permit to work by the proper judicial officer in accordance with section 2 of "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905; or that no public school is located within two miles, by the nearest traveled road, of the residence of the child; or that the child has completed the prescribed grammar school course; then it shall be the duty of such board of education or board of trustees, upon application of the parent, or guardian, or other person having the control or charge of such child, to excuse such child from attendance at school, during the continuance of such defect or condition upon which such excuse is granted; *and provided further*, that circumstances rendering attendance impracticable or dangerous to health, owing to unusual storm or other sufficient cause, shall work an exemption from the penalties of this act. If any parent or guardian or other person having control or charge of any such child presents proof to such board of education or board of trustees, by affidavit, that he is unable to compel such child to attend school, said parent, guardian, or other person shall be exempt from the penalties of this act, as regards the subsequent non-attendance at school of such child, and said child may, in the discretion of such board, be deemed a truant and subject to assignment to the parental school.

Sickness.

Certificate of physician taken as evidence.

Attending private school.

Permit to work.

No school within two miles.

Child having completed grammar school course.

Child excused from attending school.

When deemed a truant.

CHAPTER CCCXXXIV.

An act authorizing the governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the senate and assembly of the thirty-sixth session of the legislature of the State of California, of which commission the governor shall be ex-officio a member and chairman, to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor.

[Approved March 20, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Revenue and taxation, appointment of joint committee to investigate system of.

Appointment of expert.

Term of office of expert.

Compensation of expert.

Authority of commission.

SECTION 1. If and when the senate and assembly of the thirty-sixth session of the legislature of the State of California shall provide for the appointment, and there shall be appointed pursuant to said provision, a joint committee of said senate and assembly to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof, the governor is authorized to appoint an expert in taxation and public finance, to sit with said committee, and with said committee to constitute a commission upon the revision and reform of the system of revenue and taxation in force in this state. The governor shall be ex-officio a member of said commission and shall be chairman thereof.

SEC. 2. Said expert shall hold his office at the pleasure of the governor.

SEC. 3. The compensation of said expert shall be fixed by the said commission in an amount not to exceed two hundred and fifty dollars per month.

SEC. 4. Said commission is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance, and that said commission be and it hereby is authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said commission are, and each of them is, hereby authorized to administer oaths; and that all the provisions of article eight, of chapter two, title one, part three of the Political Code of this State, relative to the "attendance and examination of witnesses before the legislature and committees thereof," shall apply to the commission; and that the sergeant-at-arms of either the senate or the assembly is hereby authorized and directed



to serve and all subpoenas and orders or other process that may be issued by the chairman of said commission, when directed to do so by the said chairman.

SEC. 5. The members of said commission, other than the chairman and the member appointed by the governor, shall be paid the sum of ten dollars (\$10.) per diem and their necessary expenses, while actually engaged in the performance of their duties as prescribed in this act. Compensation of commission.

SEC. 6. There is hereby appropriated out of the general fund, not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, for the purposes of this act. Appropriation.

SEC. 7. This act shall take effect immediately.

CHAPTER CCCXXXV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897 and amended March 23, 1901, by amending section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 184 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897 and as amended March 23, 1901, is hereby amended so as to read as follows: County government.

Section 184. In counties of the twenty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit: Salaries of officers of Napa county (27th class).

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county. County clerk.

2. The sheriff, five thousand dollars per annum, and the fees, mileage or commissions for the services of all papers whatever issued by any court outside of this county, and all mileage for service of papers issued out of any civil case in his own county. Sheriff.

3. The recorder, two thousand dollars per annum; *provided* that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than one hundred and fifty dollars in any month, the said recorder may receive and retain for his own use, in addition to his salary, Recorder.

all fees in excess of one hundred and fifty dollars in any month so collected.

Auditor.

4. The auditor, seven hundred and fifty dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum, and fees as now provided.

Tax

collector.

6. The tax collector, two thousand dollars per annum, and fees on delinquent poll taxes, which shall be in full for all services as tax collector.

Assessor.

7. The assessor, three thousand two hundred dollars per annum.

District

attorney.

8. The district attorney, two thousand dollars per annum.

Coroner;

fees.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

Public ad-

ministra-

tor; fees.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-

tendent of

schools.

11. Superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

Surveyor;

fees.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Classifica-

tion of

townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred as follows: Townships having a population of five thousand or more shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand, shall belong to and be known as townships of the fourth class. Justices of the peace and constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars. In addition of the monthly salaries herein allowed, each justice of the peace and constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Justices of the peace and constables.

Fees in civil cases.

Actual expenses.

Official court reporter.

14. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases in the superior court, tried therein, and at preliminary examinations before the justices'

courts of the county and for taking notes at all coroners' inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salary of other county officers, and for transcription of said notes, when required, the sum of ten cents per folio for the original, and five cents per folio for a copy shall be paid the reporter making the transcription; *provided*, that said official reporter herein designated shall perform all the services necessary in the superior court of the county, at all preliminary examinations held before justices of the peace of the county and at all coroners' inquests. Said compensation for transcription in criminal cases, at preliminary examinations and at coroners' inquests to be allowed on the order of the court, or the coroner, as the case may be, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Said official reporter shall furnish his own type-writing machine, and shall also receive from the county his actual traveling expenses, when required to travel to and from any justices' court within the county, except the county seat.

15. Each member of the board of supervisors shall receive one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisors. Supervisors.

The provisions of subdivisions thirteen, fourteen, and fifteen of this section shall take effect and be in force thirty days from and after the passage of this act.

## CHAPTER CCCXXXVI.

*An act to amend section 153 of an act entitled, "An act to establish a uniform system of county and township governments," approved April 1st, 1897, relating to county and township officers of counties of the second class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 153 of an act entitled, "An act to establish a uniform system of county and township governments," approved April 1st, 1897, is hereby amended to read as follows: County government.

Section 153. Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve and return all writs, processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority; Los Angeles county (2d class).  
Constables, duty of.

Jurisdiction.

*provided however*, that no constable shall have jurisdiction or authority to serve any writ, notice, or other process issued by any justice or justice's court of any township other than the justice or justice's court of the township in and for which he may be constable without the boundaries of the township in and for which he is constable, and any service by a constable of any writ, notice, or other process issued by any justice or justice's court of any township other than the township in and for which he is duly elected and qualified constable, outside of the boundaries of the township in and for which he is such constable, shall be void. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed.

Fees.

## CHAPTER CCCXXXVII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," by adding a new section to said act to be known as section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestration, and the protection of forests against fire.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. A new section is hereby added to the act to establish a uniform system of county and township governments, to be numbered 33½, and to read as follows:

Counties to aid in the preservation of forests.

Section 33½. To appropriate from the general fund of the county, unless otherwise provided, not exceeding in counties of the first and second class the sum of twenty thousand dollars, and in all other counties not exceeding the sum of ten thousand dollars in any one year, to aid in and carry on the work of the preservation of forests upon public lands, the reforestration of forests upon public lands, and the protection of forests upon public lands from fire.

## CHAPTER CCCXXXVIII.

*An act to amend an act entitled "An act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts, now in force, relating to estrays," approved March 23rd, 1901, by amending the second section thereof.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section numbered 2 of an act entitled "An act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other acts, and parts of acts, now in force, relating to estrays," approved March 23rd, 1901, is hereby amended to read as follows:

Section 2. Any person taking up an estray animal, or animals, shall confine the same in a secure place, and shall notify the owner thereof in writing if known or if the owner is unknown within five days file with the county recorder of the county in which such estray is found, a notice containing a description of the animal, or animals, taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. The county recorder shall receive for filing said notice the sum of fifty cents, and shall keep said notice on file in his office for five years, and at the expiration of said period of five years, may return the same to the person at whose request the same was filed, and on the failure of such person, or his representative, to make demand therefor within sixty days after the expiration of said period of five years, may remove the same from the files of said office and destroy the same.

Estrays.

If owner is unknown, taker-up must file descriptive notice with county recorder.

Fee.

## CHAPTER CCCXXXIX.

*An act to amend sections three hundred and twenty-two, three hundred and twenty-three and three hundred and twenty-five of the Civil Code, all relating to stockholders in corporations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and twenty-two of the Civil Code is hereby amended to read as follows:

322. Each stockholder of a corporation is individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation. Any creditor of the corporation may institute joint or several actions against any of its stockholders, for the proportion of his claim payable by each, and in such action the court must ascertain the proportion of the claim or debt for which each defendant is liable, and a several judgment must be rendered against each, in conformity therewith. If any stockholder pays his proportion of any debt due from the corporation, incurred while he was such stockholder, he is relieved from any further personal liability for such debt, and if an action has been brought against him upon such debt, it must be dismissed, as to him, upon his paying the costs, or such proportion thereof as may be properly chargeable against him. The liability of each stockholder is determined by the amount of stock or shares owned by him at the time the debt or liability was incurred; and such liability is not released by any subsequent transfer of stock. The term stockholder, as used in this section, applies not only to such persons as appear by the books of the corporation to be such, but also to every equitable owner of stock, although the same appears on the books in the name of another; and also to every person who has advanced the installments or purchase money of stock in the name of a minor, so long as the latter remains a minor; and also to every guardian, or other trustee, who voluntarily invests any trust funds in the stock. Trust funds in the hands of a guardian, or trustee, are not liable under the provisions of this section, by reason of any such investment; nor must the person for whose benefit the investment is made be responsible in respect to the stock until he becomes competent and able to control the same; but the responsibility of the guardian or trustee making the investment continues until that period. Stock held as collateral security, or by a trustee, or in any other representative capacity, does not make the holder thereof a stockholder

Liability of stockholder in a corporation.

Joint or several actions against.

When relieved from liability.

Liability how determined.

Term "stockholder" applies to whom.

Trust funds not liable.

Stock as collateral security, holder of not liable.

within the meaning of this section, except in the cases above mentioned, so as to charge him with any proportion of the debts or liabilities of the corporation; but the pledgor, or person or estate represented, is to be deemed the stockholder, as respects such liability. In a corporation having no capital stock, each member is individually and personally liable for an equal share of its debts and liabilities, and similar actions may be brought against him, either alone or jointly with other members, to enforce such liability as by this section may be brought against one or more stockholders, and similar judgments may be rendered. The liability of each stockholder of a corporation formed under the laws of any other state or territory of the United States, or of any foreign country, and doing business within this state, is the same as the liability of a stockholder of a corporation created under the constitution and laws of this state.

Pledgor  
liable.

Member of  
corporation  
liable.

Liability  
of stock-  
holder in  
foreign  
corporation.

SEC. 2. Section three hundred and twenty-three of said code is hereby amended to read as follows:

323. All corporations for profit must issue certificates for stock when fully paid up, signed by the president and secretary, and may provide, in their by-laws, for issuing certificates prior to full payment, under such restrictions and for such purposes as their by-laws may provide, but any certificate issued prior to full payment must show on its face what amount has been paid thereon.

Certifi-  
cates of  
stock, how  
issued.

SEC. 3. Section three hundred and twenty-five of said code is hereby amended to read as follows:

325. Shares of stock in corporations standing on the books of the corporation in the name of a married woman may be transferred by her, her agent or attorney, without the signature of her husband, and in the same manner as if such married woman were a femme sole. All dividends payable upon any of such shares of stock may be paid to her, her agent or attorney, in the same manner as if she were unmarried; and any proxy or power given by her, touching any of such shares, is valid and binding, and neither it nor any receipt for dividends need be signed by her husband.

Married  
woman  
may trans-  
fer stock.

Dividends  
paid to her.

Proxy of  
married  
woman.

## CHAPTER CCCXL.

*An act to amend sections 2978, 2979, and 2982 and to repeal section 2983 of the Political Code of the State of California, relating to the state board of health.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand nine hundred and seventy-eight of the Political Code of the State of California is hereby amended to read as follows:

Stateboard  
of health,  
appoint-  
ment and  
term.

2978. The state board of health shall consist of seven duly licensed and practicing physicians of this state, appointed by the governor for the term of four years.

SEC. 2. Section two thousand nine hundred and seventy-nine of the Political Code is hereby amended to read as follows:

Powers  
and duties  
of board.

2979. The state board of health shall examine into the causes of communicable diseases in man and domestic animals occurring or likely to occur in this state.

It may quarantine or isolate and disinfect persons, animals, property and things of whatever nature, and houses, rooms, places, cities or localities, whenever in the judgment of said board or pending its meeting, whenever in the judgment of its executive officer such action shall be deemed necessary to protect or preserve the public health, and said board may destroy or cause to be destroyed, bedding, carpets, household goods, furnishings and materials, clothing, or animals, when in the judgment of said board or that of its executive officer such clothing, furnishings, bedding, goods, materials or animals are an imminent menace to the public health.

It may establish and maintain places of quarantine or isolation.

It shall have sanitary control of all public buildings or places owned, leased or controlled by the state, and no officer or person having charge of the erection of any public building owned or controlled by the state shall proceed with the construction thereof until the state board of health shall, in writing, have approved the plans and specifications therefor, in so far as the same may, in any way, affect the sanitation thereof.

It shall cause special investigation of the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, the preparation and sale of drugs and food and the adulteration thereof.

They must perform such duties as are or may be required by law for the detection and prevention of the adulteration of articles used for food or drink, and for the punishment of persons guilty of violation of any law providing against such adulteration.

It shall examine and have power to prevent the pollution of sources of public domestic water and ice supply.

It shall have power to prepare or purchase and distribute at cost anti-toxins, vaccine and other approved serums and lymphs.

It shall maintain a bureau of vital statistics under the supervision of its executive officer, where shall be collected and recorded all births, marriages and deaths, burials and cremations within the state. These statistics together with the number of cases of communicable diseases, and such further comparative statistics and information as may be deemed of value to scientists, the medical profession, the general public and aid in the maintenance of good health conditions may



be published by the board in such manner and at such times as it may deem proper. Powers and duties of board.

It shall have power to prescribe and enforce regulations for the embalming, cremation, burial, disinterment and transportation of the dead.

It shall have power to prescribe the form of certificates of birth and death, and of permits for burial, disinterment, cremation and transportation of the dead, and provide measures for their observance.

It shall have power to abate public nuisances. It may advise all local health authorities, and, when in its judgment the public health is menaced it shall control and regulate their action.

It shall have general power of inspection, examination, quarantine and disinfection within the state, *provided* that this act shall in nowise conflict with the enforcement of the national quarantine laws.

It shall have power to commence and maintain all proper and necessary actions and proceedings for the enforcement of its regulations and for the protection and preservation of the public health and to defend all actions and proceedings involving its powers and duties and in all such actions or proceedings it shall sue and be sued under the name of the state board of health.

It shall have power to adopt and enforce rules and regulations for the execution of its duties under this section.

It shall at each biennial session of the legislature make a report with such suggestions as to legislative action as it deems proper.

SEC. 3. Section two thousand nine hundred and eighty-two is hereby amended to read as follows:

2982. The secretary of the state board of health shall receive an annual salary of \$3000.00 and necessary expenses incurred in the performance of his duties. He shall enforce all orders and regulations of the state board of health, and shall vigilantly observe sanitary conditions throughout the state, and take all necessary precautions to protect it in its sanitary relations with other states and countries. He shall keep an accurate record of the proceedings of the state board of health and of his own acts, and shall file a written report of the same at each regular meeting. Secretary of board.  
Salary.  
Duties.

SEC. 4. Section two thousand nine hundred and eighty-three of said Political Code is hereby repealed. Section  
2983  
repealed.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

## CHAPTER CCCXLI.

*An act to validate the organization and incorporation of municipal corporations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Municipal corporations, validating incorporation of.

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, showing such copy of said order to have been filed in said office, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of the said municipal corporations heretofore performed according to the act aforesaid, are hereby validated, and declared as legal.

Validating all acts heretofore performed.

## CHAPTER CCCXLII.

*An act to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending section 14 thereof, relating to the compensation of officers of counties of the ninth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section 14 of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended to read as follows:

Section 14. Section one hundred and sixty-six (166) of an act entitled, "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Section 166. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 1. The county clerk, seven thousand six hundred dollars per annum.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Salaries of officers of San Diego county (9th class).<br>County clerk. |
| 2. The sheriff, seven thousand eight hundred dollars per annum; and the sheriff shall also receive for his own use and benefit the fees or commissions for the service of all papers whatsoever, issued by any court of the state outside of his county. And the board of supervisors shall allow the sheriff his actual and necessary expenses in serving any civil or criminal process, or performing any other official duty within his county at a distance, by the ordinary route of travel, of more than sixty miles from the county seat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Sheriff                                                                |
| 3. The recorder, the fees now allowed by law pertaining to said recorder's office; <i>provided</i> , that the fee for filing, indexing, and canceling tax sale certificates for land sold to the state for delinquent taxes shall be fifteen cents for each certificate, and for filing, recording, and indexing tax deeds to the state, the fee shall be seventy-five cents each, all of which shall be paid out of the county treasury in the same manner that other claims are paid; <i>provided</i> , that the fee to be charged by the recorder for filing certificates of tax sale issued by the tax collector of any municipality within any county of the ninth class shall be one dollar for each volume, when the same is bound in book form; each of said volumes shall contain not less than two hundred of such tax certificates; <i>provided</i> , that all books of record, printing, and stationery shall be furnished and paid for by the recorder out of his fees; the style and quality of the same to be approved by the board of supervisors. | Recorder.                                                              |
| 4. The auditor, five thousand five hundred dollars per annum.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Auditor.                                                               |
| 5. The treasurer, three thousand dollars per annum.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Treasurer.                                                             |
| 6. The tax collector, seven thousand dollars per annum, which shall include all fees and percentage as license collector.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Tax collector.                                                         |
| 7. The assessor, six thousand five hundred dollars per annum, and such fees as are allowed by law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Assessor.                                                              |
| 8. The district attorney, five thousand dollars per annum.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | District attorney.                                                     |
| 9. The superintendent of public schools, twenty-five hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Superintendent of schools.                                             |
| 10. The public administrator, such fees as are now or may hereafter be allowed by law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Public administrator; fees.                                            |

Coroner. 11. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within his county at a distance by the ordinary route of travel of more than sixty miles from the county seat.

Surveyor. 12. The surveyor, three thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law.

Constables; fees. 13. Constables, in civil cases such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more in lieu of fees now allowed by law the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than seventy-five dollars as fees in misdemeanor cases; *provided further* that in such townships they shall receive for each day's attendance in criminal cases when required by the justice to be present two dollars per day; *provided further* that in all townships the constables thereof for taking persons to the county jail actual traveling expenses only shall be allowed in lieu of mileage.

Justices of the peace. 14. Justices of the peace, in all townships having a population of sixteen thousand or more one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided however*, that no justices of the peace in such township shall be allowed in any one month out of the county treasury more than seventy-five dollars in misdemeanor cases.

Supervisors to furnish court rooms for justices. The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more with suitable courtroom and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

Supervisors. 15. Each member of the board of supervisors, five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law, for services as road commissioners.

Official court reporter. 16. In counties of this class the official reporters of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and on all lunacy and preliminary examinations and coroner's inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents

per folio per copy; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. In counties of this class there shall be but one horticultural commissioner.

Horticultural  
commissioner.  
Board of  
education

18. Each member of the board of education shall receive five dollars per day for not to exceed sixty days in any one year as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for not to exceed sixty days in any one year for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

Secretary.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CCCXLIII.

*An act to amend an act entitled "An act to amend an act entitled 'An act to create and establish a commission for revising, systematizing, and reforming the laws of this state, and for the appointment of the members of said commission, to be known as "The commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895;" approved March 25, 1903, by amending section 9 thereof, relating to the tenure of such commission.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nine of an act entitled "An act to amend an act entitled 'An act to create and establish a commission for revising, systematizing, and reforming the

laws of this state, and for the appointment of the members of said commission, to be known as "Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, is hereby amended to read as follows:

Code com-  
missioner,  
term of  
office.

Section 9. The commission hereby created shall cease to exist and this act shall become inoperative on and after the 1st day of May, 1907.

SEC. 2. This act shall take effect immediately.

#### CHAPTER CCCXLIV.

*An act to amend section fifteen hundred and seventy-seven of the Political Code, relating to the formation of school districts.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and seventy-seven of the Political Code is hereby amended to read as follows:

School  
districts,  
formation  
of new.

1577. First—No new school district shall be formed at any other time than between the first day of October and the tenth day of February, nor at that time unless the parents or guardians of at least fifteen census children, residents of such proposed new district, and residing at a greater distance than two miles by a traveled road from the public school house in the district in which said parents or guardians reside, present a petition to the superintendent of schools, setting the boundaries of the new district asked for; *provided*, that the provision requiring the petitioners shall reside a distance of more than two miles by a traveled road from the said public school house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of a district containing more than three hundred census children.

Petition  
for.

Bound-  
aries  
changed.

Second—The boundaries of a school district, except as provided in section one thousand five hundred and fifty-one of the Political Code, shall be changed only between the first day of October and the tenth day of February in any year, and then only when at least ten heads of families residing in the districts affected by the proposed change of boundaries shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying contigu-

ous may at any time be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the superintendent of schools.

Consolidation of districts.

Third—Joint districts (that is, districts lying partly in one county and partly in another) may be formed at any time between the first day of October and the tenth day of February in any year, whenever a petition signed by the parents or guardians of at least fifteen census children, residents of such proposed joint district and residing at a greater distance than two miles by a traveled road from any public school house, shall be presented to the superintendent of each county affected by the proposed formation of the joint district; *and provided further*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from any public school house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of districts any one of which contains more than three hundred census children. All the provisions relative to the formation of joint districts shall be by concurrent action of the superintendent and the board of supervisors of each county affected; *still further provided*, that by concurrent action of the boards of supervisors and the county school superintendents, contiguous school districts or parts of such school districts lying in different counties may, on proper petitions as above required, be united to form a joint school district, and the school property within the territory thus united shall become the property of the newly formed joint school district.

Joint districts, formation of.

Concurrent action required.

Fourth—The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change.

Children residing in newly formed districts.

Fifth—Whenever a district shall be united with a municipality or with another district, all funds belonging to said district shall be transferred, by requisition of the superintendent of the county upon the county auditor, to the municipality or district with which said district is united.

Transfer of funds.

SEC. 2. This act shall take effect and be in force from and after July 1, 1905.

## CHAPTER CCCXLV.

*An act to amend Title V of Part IV of an act entitled "An act to establish a Political Code," approved March 12, 1872, by revising sections 4458 and 4459 of said title and adding three new sections thereto to be numbered 4460, 4461, and 4462, relating to and regulating publications or notices authorized or required to be given or made by public officers, the officers of courts, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Title V of Part IV of an act entitled "An act to establish a Political Code," approved March 12, 1872, is hereby amended to read as follows:

## TITLE V.

PUBLICATIONS BY STATE OFFICERS AND COMMISSIONERS, OR OTHER OFFICIALS, OR THE OFFICERS OF COURTS, COUNTIES, CITIES, CITIES AND COUNTIES, OR TOWNS, AND PUBLICATIONS REQUIRED TO BE GIVEN OR MADE BY LAW.

4458. Publication and notices, how given or made.

4459. Publication and notices, how printed.

4460. Newspapers of general circulation defined.

4461. Penalty.

4462. Newspapers of general circulation, how character defined.

4458. Whenever any publication, or notice by publication, or official advertising is required to be given or made by the provisions of this code, the Civil Code, the Code of Civil Procedure, the Penal Code, or by any law of the state, by any officer now existing, or any hereafter created, in this state, or any political subdivision thereof, or by any officer of any court, or officer of a county, city, city and county, or town in this state, such publication, or notice by publication, or official advertising shall be given or made only in a newspaper of general circulation, where such a newspaper is published within the jurisdiction of such official. Where no newspaper of general circulation is published within the jurisdiction of such official, then such publication or notice by publication, or official advertising, shall be given or made in a newspaper of general circulation, published nearest thereto.

4459. All publications, or notices by publication, or official advertisements referred to in the preceding section, must be set in type not smaller than nonpareil, and must be

Publica-  
tion and  
notices by  
public  
officers,  
how given  
or made.

How  
printed.



preceded with words printed in black face type not smaller than nonpareil, describing or expressing in general terms, the purport or character of the notice intended to be given.

4460. A newspaper of general circulation is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and which shall have been established, printed and published at regular intervals, in the state, county, city, city and county, or town, where such publication, notice by publication, or official advertising is given or made, for at least one year preceding the date of such publication, notice or advertisement. A newspaper devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or for any number of such classes, professions, trades, callings, races or denominations when the avowed purpose is to entertain or instruct such classes, is not a newspaper of general circulation.

Newspaper of general circulation, defined.

4461. State officers or commissioners, or other officials, and the officers of counties, cities, cities and counties, or towns, who violate or disregard the provisions of sections 4458, 4459 and 4460 of this code, shall be responsible personally and on their official bonds for all damages occasioned thereby, together with one hundred dollars liquidated damages in each case, to be recovered in any court of competent jurisdiction by the person, association or corporation aggrieved or interested.

Penalty for violation.

4462. Whenever a newspaper shall desire to have its standing as a newspaper of general circulation, as that term is defined in section 4460, ascertained and established, it may, at its option, by its publisher, manager, editor or attorney, file a verified petition in the superior court of the county, or city and county, in which it is established, printed and published, setting forth the facts which justify such action. The petition or the substance thereof shall be published for ten days in the newspaper petitioning, and if the court so directs, in some other newspaper, together with a notice that the petitioner intends on a certain day to apply for the order herein mentioned. Upon proof being made of the publication of such petition and notice, the court shall set the same for hearing, and at any time prior to or on the day so set, or prior to or on any day to which it may be continued, any person may appear and contest the petition. The court shall hear the proofs of the petitioner and contestant, if there be any, and shall within ten days thereafter render its decision and judgment and the clerk shall enter the same in the records of the court. The decision and judgment herein provided for may be vacated, modified or set aside by the court on its own motion, or on the motion of any person, whether a party to the original proceeding or not, upon a verified statement of facts, upon ten days' notice to the petitioner, and upon a satisfactory showing made to the court that such newspaper has

Newspaper of general circulation, how character is defined.

Petition.

Publication of petition.

Proof of publication.

Court to hear petition.

Decision of the court.

Decision may be vacated.

Provisions not obligatory.

ceased to be a newspaper of general circulation as that term is defined in section 4460; but all publications made in such newspaper during the period it was adjudged to be a newspaper of general circulation shall be deemed and held valid and sufficient. Nothing contained in this section shall be held or construed to be obligatory or as requiring any newspaper to comply with its provisions in order to be in fact, or in law, a newspaper of general circulation, as that term is defined in section 4460, but any newspaper may at its option, avail itself of the provisions of this section.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCXLVI.

*An act to amend Chapter I of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and acts amendatory thereof, by adding a new section thereto, to be numbered section 9, relating to the powers and duties of city clerks and city recorders, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Municipal corporations.

SECTION 1. Chapter I of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations" approved March 13, 1883, and acts amendatory thereof, is hereby amended by adding a new section thereto, to be numbered section 9 thereof, to read as follows:

City clerk and recorder, duties of in relation to registration of deaths, etc.

Section 9. The city clerk of each municipal corporation and the city recorder of each municipal corporation where there is no city clerk shall have the powers and shall perform the duties of a registrar within such municipality which are prescribed and required by the provisions of an act entitled, "An act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act."

SEC. 2. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect March 31st, 1905.

## CHAPTER CCCXLVII.

*An act to amend sections three hundred and eighty-eight, three hundred and ninety-one, three hundred and ninety-two, and three hundred and ninety-three of the Civil Code, all relating to the sale of franchises under execution.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and eighty-eight of the Civil Code is hereby amended to read as follows:

388. For the satisfaction of any judgment against any person, company, or corporation having any franchise other than the franchise of being a corporation, such franchise, and all the rights and privileges thereof, may be levied upon and sold under execution, in the same manner, and with the same effect, as any other property.

Franchises sold under execution.

SEC. 2. Section three hundred and ninety-one of said code is hereby amended to read as follows:

391. The person, company, or corporation whose franchise is sold, as in this article provided, in all other respects retains the same powers, is bound to the discharge of the same duties, and is liable to the same penalties and forfeitures, as before such sale.

Liabilities same as before sale.

SEC. 3. Section three hundred and ninety-two of said code is hereby amended to read as follows:

392. Redemption from any such sale may be had as provided in the Code of Civil Procedure in the case of redemptions from sales of real estate on execution.

Redemption.

SEC. 4. Section three hundred and ninety-three of said code is hereby amended to read as follows:

393. The sale of any franchise under execution must be made in the county in which the corporation has its principal place of business, or in which the property, or some portion thereof, is situated.

Sale, where made.

## CHAPTER CCCXLVIII.

*An act to repeal section four hundred and three of the Civil Code, and to add a chapter to Title I of Part IV of Division First of the Civil Code, all relating to general provisions affecting corporations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Section 403 repealed.

SECTION 1. Section four hundred and three of the Civil Code is hereby repealed.

SEC. 2. A chapter is hereby added to Title I of Part IV of Division First of the Civil Code to read as follows:

## CHAPTER V.

## GENERAL PROVISIONS AFFECTING CORPORATIONS.

Sec. 403. Title one to apply to all corporations, with certain exceptions.

Sec. 404. Power of the legislature to amend or repeal this part, or any title, chapter, article, or section thereof, and to dissolve all corporations created thereunder.

General provisions apply, when.  
Special provisions apply, when.

Legislature may amend, etc., corporation laws and dissolve corporations.

403. The provisions of this title are applicable to every corporation, unless such corporation is excepted from its operation, or unless a special provision is made in relation thereto inconsistent with some provision in this title, in which case the special provision prevails.

404. The legislature may at any time amend or repeal this part, or any title, chapter, article, or section thereof, and dissolve all corporations created thereunder; but such amendment or repeal does not, nor does the dissolution of any such corporation, take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which has been previously incurred.

## CHAPTER CCCXLIX.

*An act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A chapter is hereby added to Title II of Part IV of Division First of the Civil Code to read as follows:

## CHAPTER IV.

## MUTUAL BENEFIT AND LIFE ASSOCIATIONS.

Sec. 452a. Formation of the association.

Sec. 453. Levying of assessments. By-laws which may be made.

452a. Associations of not exceeding one thousand persons may be formed for the purpose of paying to the nominee of any member a sum, upon the death of the member, not exceeding three dollars for each member of the association. Such association may be formed by filing articles of incorporation in the office of the clerk of the county in which the principal place of business is situated and a certified copy of such articles of incorporation, duly certified by the county clerk, in the office of the secretary of state. Such articles must state the name of the corporation, its general purposes, its principal place of business, its term of existence, not exceeding fifty years, the names and residences of the directors selected or appointed to serve for the first year, and must be signed and verified as required by sections two hundred and ninety-two and five hundred and ninety-four.

Mutual benefit and life associations, how formed. Articles, where filed.

Articles must set forth, what.

453. Each association provided for in this chapter may, on the death of a member, levy an assessment on the surviving members of not exceeding three dollars for each member, and collect and pay the same to the nominee of such decedent, and may also provide for the payment of such annual payments by members as may be deemed just, but no member must be subject to any annual assessment in excess of that established when he joined the association. The association may make such by-laws not inconsistent with the laws of the state as may be necessary for its government and the transaction of its business; may, by its name, sue and be sued; loan such funds as it may have on hand; and own sufficient real estate for its business purposes and such as it may be necessary to purchase on foreclosure of its mortgages.

Levy of assessments.

By-laws.

May loan its funds and purchase real estate.

## CHAPTER CCCL.

*An act to repeal sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 725 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

Suppression of riots, repeal of laws.

SEC. 2. Section 728 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

SEC. 3. Section 729 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

SEC. 4. Section 730 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

SEC. 5. Section 731 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

SEC. 6. Section 732 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

SEC. 7. Section 733 of Chapter V, Title I, Part II, of the Penal Code of California is hereby repealed.

### CHAPTER CCCLI.

*An act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the state.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Firemen's relief fund, trustees of.

SECTION 1. The chairman of the board of supervisors of the county, city and county, city, or incorporated town in which there is no board of fire commissioners, the treasurer of the county, city and county, or incorporated town, and the chief of the fire department, and their successors in office, are hereby constituted a board of trustees of the firemen's relief or pension fund of the fire department, to provide for the disbursement of the same and to designate the beneficiaries thereof as hereinafter directed, which board shall be known as the "Board of Firemen's Pension Fund Commissioners"; *provided, however*, that where there is in any county, city and county, city, or town, a board of fire commissioners, then such body shall constitute said board of trustees of the firemen's relief and pension fund of the fire department.

Board of fire commissioners to act as trustees.

Organization of board.

Duties of.

SEC. 2. They shall organize as such board by choosing one of their number as chairman, and by appointing a secretary. The treasurer of the county, city and county, city, or town, shall be ex-officio treasurer of said fund. Such board of trustees shall have charge of and administer said fund, and to order payments therefrom in pursuance of the provisions of this act. They shall report annually, in the month of June, to the board of supervisors, or other governing authority of the county, city and county, city, or incorporated town, the condition of the firemen's relief and pension fund, and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of said fund and the amounts paid them.

SEC. 3. Whenever any person at the taking effect of this act, or thereafter shall have been duly appointed or selected and sworn, and have served for twenty years, or more, in the aggregate, as a member, in any capacity or any rank whatever, of the regularly constituted fire department of any such county, city and county, city, or town which may hereafter be subject to the provisions of this act, said board may, if it see fit, order and direct that such person after becoming sixty years of age be retired from further service in such fire department, and from the date of the making of such order the service of such person in such fire department shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one half of the amount of salary attached to the rank which he may have held in said fire department for the period of one year next preceding the date of such retirement.

Retired firemen after twenty years of service.

Pension of retired firemen.

SEC. 4. Whenever any person, while serving as a fireman in any such county, city and county, city, or town, shall become physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duty as such fireman, said board may, upon his written request, or without such request, if it deem it to be for the good of said fire department force, retire such person from said department, and order and direct that he shall be paid from said fund, during his lifetime, a yearly pension equal to one half of the amount of salary attached to the rank which he may have held on such fire department force at the date of such retirement, but on the death of such pensioner his heirs or assigns shall have no claim against or upon such firemen's relief or pension fund; *provided*, that whenever such disability shall cease such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement.

Retired when disabled.

Pension.

SEC. 5. No person shall be retired, as provided in the next preceding section, or receive any benefit from said fund, unless there shall be filed with said board certificates of his disability, which certificates shall be subscribed and sworn to by said person, and by the county, city and county, city, or town physician (if there be one), and two regularly licensed practicing physicians of such county, city and county, city, or town, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid.

Certificate as to disability.

SEC. 6. Whenever any member of the fire department of such county, city and county, city, or town, shall lose his life while in the performance of his duty, leaving a widow, or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one third the amount of the salary attached to the rank which such member held in said fire department at the time of his death, shall be paid to such widow during her life, or if no widow, then to the

Fireman losing life while on duty, widow or children to receive yearly pension

child or children, until they shall be sixteen years of age; Exception. *provided*, if such widow, or child or children, shall marry, then such person so marrying shall thereafter receive no further pension from such fund.

Death after ten years of service, widow to receive contribution. SEC. 7. Whenever any member of the fire department of such county, city and county, city, or town, shall, after ten years of service, die from natural causes, then his widow or children, or if there be no widow or children, then his mother or unmarried sisters, shall be entitled to the sum of one thousand dollars from such fund.

Examination of retired disabled firemen. SEC. 8. Any person retired for disability under this act may be summoned before the board herein provided for at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto; and all members of the fire department force who may be retired under the provisions of this act shall report to the chief of the fire department of the county, city and county, city, or town where so retired, on the first Mondays of April, July, October, and January of each year; and in cases of great public emergency may be assigned to and shall perform such duty as said chief of the fire department may direct; and such persons shall have no claim against the county, city and county, city, or town, for payment for such duty so performed.

Retired firemen to report to chief. SEC. 9. When any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become a habitual drunkard, or shall become a non-resident of this state, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board under this act, in respect to said examination or duty, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease, and such person shall receive no further pension, allowance, or benefit under this act.

When pension ceases. SEC. 10. The board herein provided for shall hold quarterly meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its president; it shall biennially select from its members a president and secretary; it shall issue warrants, signed by its president and secretary, to the persons entitled thereto of the amount of money ordered paid to such persons from such fund by said board, which warrant shall state for what purpose such payment is to be made; it shall keep a record of all its proceedings, which record shall be a public record; it shall, at each quarterly meeting, send to the treasurer of the county, city and county, city, or town, and to the auditor of such county, city and county, city, or town, a written or printed list of all persons entitled to payment from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the

Meetings of board of trustees.

President and secretary.

Report to treasurer and auditor.



president and secretary of such board, attested under oath. The auditor shall thereupon enter a copy of said list upon a book to be kept for that purpose, and which shall be known as "The firemen's relief and pension fund book." When such list has been entered by the auditor, he shall transmit the same to the board of supervisors, or other governing authority of such county, city and county, city, or town, which board of authority shall order the payment of the amounts named therein out of "The firemen's relief and pension fund." A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business.

Duty of auditor.

SEC. 11. The board herein provided for shall, in addition to other powers herein granted, have power,—

Powers of board.

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this act, in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its president, or any member of said board, may administer oaths to such witnesses.

Compel witnesses to attend.

Administer oaths.

Second—To appoint a secretary, and to provide for the payment from said fund of all its necessary expenses including secretary hire and printing; *provided*, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

Appoint a secretary.

Third—To make all needful rules and regulations for its guidance, in conformity with the provisions of this act.

Make rules.

SEC. 12. The board of supervisors, or other governing authority, of any county, city and county, city, or town, shall, for the purposes of said "firemen's relief and pension fund" hereinbefore mentioned, direct the payment annually, and when the tax levy is made, into said fund, of the following moneys:—

Supervisors to levy tax.

Moneys to be paid into fund.

First—All rewards given or paid to members of such firemen's force.

Second—All fines imposed upon members of the fire department in keeping with rules and regulations of the department.

Third—The treasurer of any county, city and county, city, or town, shall retain from the pay of each member of the fire department the sum of 2 per cent of each month's pay to be forthwith paid into said firemen's relief and pension fund, and no other or further retention or deduction shall be made from such pay for any other fund.

Fourth—One half of all fines imposed and collected for violation of laws pertaining to precaution against fire.

SEC. 13. Any firemen's life and health insurance fund, or any fund provided by law, heretofore existing in any county, city and county, city, or town, for the relief or pensioning of firemen, or their life or health insurance, or for the payment of a sum of money on their death, shall be merged with, paid into, and constitute a part of the fund created under the provisions of this act; and no person who has resigned or

Who are  
not en-  
titled to  
benefits.

Who are

been dismissed from said fire department shall be entitled to any relief from such fund; *provided*, that any person, who, within one year prior to the passage of this act, has been dismissed from the fire department for incompetency or inefficiency, and which incompetency or inefficiency was caused solely by sickness or disability contracted or suffered while in service as a member thereof, and who has, prior to said dismissal, served for twelve or more years as such member, shall be entitled to all the benefits of this act.

Auditor to  
report to  
supervis-  
ors.

SEC. 14. On the last day of June of each year, or as soon thereafter as practicable, the auditor of such county, city and county, city, or town, shall make a report to the board of supervisors, or other governing authority of such county, city and county, city, or town, of all moneys paid out on account of said fund during the previous year, and of the amount then to the credit of the "firemen's relief and pension fund," and all surplus of said fund then remaining in said fund exceeding the average amount per year paid out on account of said fund during the three years next preceding, shall be transferred to and become a part of the general fund of every such county, city and county, city, or town, and no longer under the control of said board, or subject to its order. Payments provided for in this act shall be made quarterly, upon proper vouchers.

Surplus to  
be trans-  
ferred to  
general  
fund.

## CHAPTER CCCLII.

*An act to amend an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23, 1876, by amending section three of said act, and an act amendatory thereof, approved March 27, 1895.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of said act is hereby amended so as to read as follows:

Erection  
and re-  
pairs of  
public  
buildings.

Section 3. That after such plans, descriptions, bills of materials, and specifications and estimates as are in this act required are made and approved, in accordance with the requirements of this act, it shall be and is hereby made the duty of such commissioners, directors, trustees, or other officer or officers to whom the duty of devising and superintending the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement as in this act provided to give or cause to be given public notice of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials neces-

Sealed pro-  
posals for.

sary to the erection of such institution, asylum, or other improvement, or for the adding to, altering, or improvement thereof, and a contract or contracts based on such sealed proposals will be made, which notice will be published weekly for four consecutive weeks next preceding the day named for the making of such contract or contracts, in three papers specially representing the building trades, and having the largest circulation and published each in the cities of San Francisco, Los Angeles, and Sacramento; also in a newspaper having a general circulation in the county where the work is to be let, and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to public inspection at all business hours between the date of such notice and the making of such contract or contracts; *provided, however*, that the rates of said advertisements shall not exceed the regular advertising rates for similar matter, whether public or private, in such paper or papers. The aforesaid notice must state that separate bids will be received and separate contracts let for the performance of each of the following parts of said erection, addition, alteration, or improvement, including the furnishing of materials and labor necessary therefor, viz: First, for the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations and filling; second, for the iron work; third, for the carpenter, plastering, electric, and glazing work; fourth, for the plumbing and gasfitting work; fifth, for the heating work; sixth, for the tinning, galvanized iron, and slating work; and seventh, for the painting and graining work; and there shall be in all such cases as many separate contracts let therefor as there are different kinds of work, according to the foregoing classification, whether the same be let by the state board of harbor commissioners or any other of the aforesaid commissioners, directors, trustees, or other officer or officers.

Publication of notice for request for bids.

Rates of advertising.

Notice, what to contain.

Separate bids.

Separate contracts.

SEC. 2. This act shall take effect and be in force immediately upon its passage and approval.

### CHAPTER CCCLIII.

*An act to add a Chapter VI of Title II of Part IV of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A chapter is hereby added to Title II of Part IV of Division First of the Civil Code to read as follows:

## CHAPTER VI.

## LIFE, HEALTH, ACCIDENT, AND ANNUITY OR ENDOWMENT INSURANCE ON THE ASSESSMENT PLAN.

- Sec. 453*d*. Contracts which may be made by, defined.  
 Sec. 453*e*. Formation of corporations; issuing of contracts; investments.  
 Sec. 453*f*. Pre-existing corporations, right of to reincorporate.  
 Sec. 453*g*. Contracts of insurance, contents and effect of.  
 Sec. 453*h*. Reserve and emergency fund.  
 Sec. 453*i*. Foreign corporations, conditions precedent to doing business in this state.  
 Sec. 453*j*. Limitations upon right to issue contracts of insurance.  
 Sec. 453*k*. Exemptions from attachment and execution.  
 Sec. 453*l*. Statements to be filed with the insurance commissioner; proceedings to be taken by him thereon.  
 Sec. 453*m*. Lapsing of policies when forbidden.  
 Sec. 453*n*. Fees and penalties.  
 Sec. 453*o*. Insurance commissioner to present bills for certain expenses.  
 Sec. 453*p*. Exemption of fraternal societies from this chapter.

Insurance on assessment plan, contracts defined.

453*d*. Every contract whereby a benefit may accrue to a party or parties therein named upon the death or physical disability of a person insured thereunder, or for the payment of any sums of money dependent in any degree upon the collection of assessments or dues from persons holding similar contracts, is deemed a contract of mutual insurance upon the assessment plan. Such contracts must show that the liabilities of the insured thereunder are not limited to fixed premiums.

Formation of corporations.

453*e*. Corporations may be formed to carry on the business of mutual insurance upon the assessment plan, and are subject only to the provisions of this chapter. No such corporation must issue contracts of insurance until at least two hundred persons have applied, in writing, for membership or insurance therein, and have paid to the treasurer of such corporation the sum of five thousand dollars. This sum must be invested in bonds or securities, approved by the insurance commissioner of this state, or deposited in some bank in this state where it will earn interest. Said bonds or securities, or evidences of such deposit, must be placed, through the insurance commissioner of this state, with the state treasurer, and the principal sum must be held in trust for the contract-holders of such corporation, with the right in the corporation to exchange said bonds, securities, or evidence of bank deposit for others of like value. Such corporation must also, as a condition precedent to issuing any contracts of insurance, obtain the written certificate of the insurance commissioner that it has complied with the requirements of this chapter; and that the name of the corporation is not the same as that of any other corporation of this or other states, as indicated by the insurance department reports in his office; nor must the commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder has legal existence after one year from the date of its articles, unless its organization has been completed and business commenced; nor must any corporation

Membership before contracts are issued.

Investment of funds.

Deposit of securities with state treasurer.

Certificate of insurance commissioner.

Name of corporation.

or individual solicit, or cause to be solicited, any business, until such corporation has complied with the provisions of section six hundred and thirty-three of the Political Code. Nothing contained in this chapter shall be construed to exempt any corporation from the provisions of sections two hundred and ninety-six and two hundred and ninety-nine of this code.

Articles,  
where  
filed.

453f. Any existing corporation engaged in the business of life, health, accident, or endowment insurance on the assessment plan may reincorporate under the provisions of this code and chapter, but is not obliged to do so, and may, without such reincorporation, exercise the rights, powers, and privileges conferred by this chapter.

Existing  
corpora-  
tions.

453g. Every contract of insurance issued by such corporation must specify the sum or sums to be paid upon the happening of the contingency insured against, and when such payments must be made. Unless the contract is invalidated by fraud or by breach of its conditions, the corporation is obligated to pay the beneficiary the amount or amounts specified in its contract at the time or times therein named, and such indebtedness is a lien upon all the property of such corporation, with priority over all indebtedness thereafter incurred, except as hereinafter provided in case of insolvency. Failure to make such payment, within thirty days after notice, at the home office, by mail, as provided by law, of a final judgment, unless waiver is made by the beneficiary, constitutes a forfeiture of the right to do business.

Contracts  
must spec-  
ify, what.

453h. Every domestic corporation, organized to do or doing the business of insurance on the assessment plan, must accumulate a reserve or emergency fund, which must, at all times, be not less than the largest benefit contracted to be paid by it to any one person. Every corporation organized under the provisions of this chapter must accumulate such fund within a year from the date of its certificate of incorporation. Such fund, to the extent of the largest amount contracted to be paid by any such corporation to any one person, must be invested and deposited, as provided in section four hundred and fifty-three e, with the right in the corporation to exchange any such securities for others of equal value. The deposit required by section four hundred and fifty-three e constitutes a part of the reserve required by this section, at the option of such corporation. When any such corporation discontinues business, this fund must be returned to such corporation, or disposed of as may be determined by the superior court of the county in which is its principal place of business.

Reserve  
fund of  
domestic  
corpora-  
tions.

453i. Corporations organized under the laws of any other state or country to transact the business of mutual assessment insurance must, as a condition precedent to transacting business in this state, comply with the provisions of sections four hundred and five and four hundred and eight of this code, and deposit with the insurance commissioner of

Foreign  
corpora-  
tions.

Articles and designation of agent filed with secretary of state and with insurance Commissioner.

Certificate filed with insurance commissioner.

Reserve fund.

License issued by insurance commissioner.

Renewal and revocation of license.

Contract upon life of person, limit as to age.

Written application for contract.

this state a certified copy of its charter or other instrument required by its home authorities; a statement under oath, of its president or secretary, of its business for the preceding year, in such form as may be required by the insurance commissioner of this state; an appointment of a general agent, service upon whom binds the corporation; a certificate that for the next preceding twelve months it has paid in full the maximum amount named in its contract of insurance; a certificate from the proper officer of its state or government that like corporations of this state are legally entitled to do business in such state or country; copies of its contracts of insurance and applications, which must show that the liabilities of its members are not limited to fixed premiums; and evidence, satisfactory to the insurance commissioner, that the corporation has accumulated a fund equal to that required of like corporations in this state, constituting a reserve or surplus fund, held in trust for the benefit of its contract-holders, and so invested and held as required by the laws of the state or government under which such corporation was organized. The insurance commissioner must thereupon issue a license to such corporation to do business in this state. This license must be renewed annually, and may be revoked whenever it is ascertained that the statements required to be made by this section are not true. Upon such revocation, notice thereof must be given by the insurance commissioner by publication in some newspaper published in the city and county of San Francisco, for two weeks, daily, and no new contracts must be made by such company in this state. When any other state or country imposes any additional license, fees, taxes, or penalties upon any corporation organized or doing business under this chapter, like license, fees, taxes, or penalties are imposed upon corporations of the same kind and their agents of such state or country doing business in this state.

453j. No corporation doing business under this chapter, except accident or casualty corporations, must issue a contract of insurance upon the life of any person under fifteen nor over sixty-one years of age. Every such contract of insurance must be founded upon written application therefor, and, except where the application is for health, accident, or casualty insurance only, or for one hundred dollars life insurance or less, such application must be accompanied by the report of a reputable physician, containing a detailed statement of his examination of the applicant, showing the applicant to be in good health, and recommending the issuance of a contract of insurance. Any solicitor, agent, employé, examining physician, or other person, making a false or fraudulent statement to any corporation doing business under this chapter, with reference to any application for insurance, or for the purpose of obtaining any money or benefit from such corporation, is guilty of a misdemeanor; and any person who makes

a false statement of any material fact or thing in a sworn statement as to the death or disability of a contract-holder, in any such corporation for the purpose of procuring or aiding the beneficiary or beneficiaries or contract-holder in procuring the payment of a benefit named in the contract, is guilty of perjury.

453k. The money, benefit, annuity, endowment, charity, relief, or aid to be paid as provided by the contracts issued by any corporation doing business under this chapter, is not liable to attachment or other process, nor to be seized, taken, appropriated, or applied by any legal or equitable process, nor by operation of law, to pay any debts or liability of the contract-holder or any beneficiary named thereunder.

Money paid on contract not subject to attachment, etc., to pay debt.

453l. Every corporation, whether domestic or foreign, doing the business of effecting insurance on the assessment plan must, annually, on or before the first day of February, file with the insurance commissioner, in such form as he may prescribe, a statement of its affairs for the year ending on the preceding thirty-first day of December. The insurance commissioner, in person or by duly authorized deputy, has the power of examination into the affairs of any domestic corporation doing business or claiming to do business under this chapter, at any time, in his discretion, and must make such examination at least once a year. If he, after an examination of the affairs of a corporation, finds that it is not doing its business in conformity to this chapter, or that it is doing a fraudulent or unlawful business, or that it is not carrying out its terms of contract, or that it cannot, within three months from the date of notice of default, pay its obligations, he must cite the president, secretary, manager, or general agent of the corporation, or all of them, to appear before him, stating the time and place, to show cause why the authority of the corporation to do business should not be revoked, and if cause is not shown, then he must report the facts to the attorney-general of the state, who must commence proceedings in the proper court to restrain the corporation from doing any further business.

Annual statement of affairs filed with insurance commissioner.

Insurance commissioner must examine into the affairs.

Authority of corporation to do business revoked

Duty of attorney-general

453m. No policy or certificate issued by any corporation or association doing business under the provisions of this chapter lapses for the non-payment of any assessments, dues, or premiums, unless the corporation or association has first mailed to the insured under such policy or certificate, at his or her last given postoffice address, a notice setting forth the amount to be paid, and the time the same is due and payable; and such notice must be mailed at least fifteen days before the assessment is due; *provided*, that such corporations doing business under this chapter as collect specific amounts at specific dates, as contained in the contract, are not compelled to send such notices; and an affidavit made by the officer, bookkeeper, or clerk of any such corporation having charge of the mailing of notices, setting forth the facts as they

Lapse of policies or contracts.

appear on the records in the office of the said corporation, showing that such notice was mailed and the date of mailing, is conclusive evidence of the mailing of such notice.

Fees.

453n. The fees for filing statements, certificates, or other documents required by this chapter, or for any service or act of the insurance commissioner, and the penalties for any violation of this chapter, must, except as otherwise provided herein, be the same as provided in the laws of this state relating to life insurance companies, and must be disposed of as provided by such laws.

Expenses  
of Insur-  
ance com-  
missioner.

453o. For all lawful expenses under this chapter, or by reason of any of its provisions, in the prosecution of any suit or proceeding, or otherwise, for the enforcement of the provisions of this chapter, the insurance commissioner must present bills, duly certified by him, and accompanied with vouchers, to the state board of examiners, who may allow the same, and direct payment thereof to be made; and the state controller must draw warrants therefor on the state treasurer for the payment of the same to the insurance commissioner, out of the general fund, in addition to the ordinary contingent expense.

Not to  
apply to  
fraternal  
societies.

453p. The provisions of this chapter do not apply to secret or fraternal societies, lodges, or councils, which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges, or councils, nor to any mutual or benefit association organized or formed and composed of members of any such society, lodge, or council exclusively.

#### CHAPTER CCCLIV.

*An act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the act.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Chattel  
mortgages.

SECTION 1. It shall not be lawful for any individual, partnership, association or corporation lending money upon chattel mortgages, where there is taken for such loan any security upon any upholstery, furniture or household goods, oil paintings, pictures or works of art, pianos, organs or sewing-machines, iron or steel safes, professional libraries or office furniture or fixtures, instruments of surveyors, physicians or dentists, printing presses or printing material, to have or charge for the use of money so loaned more than the rate of one and one half per cent per month interest thereon,

Rate of  
interest.



and that no additional sum, either in the way of bonus or otherwise, shall be required or exacted of the borrower or borrowers; *and further*, that no charge for examination or valuation of property offered, insurance of same, and preparation, execution and recording of necessary papers shall be imposed, except as follows: For examination or valuation of property offered for mortgage and preparation of papers (both included), no greater sum than five (\$5.00) dollars where the amount loaned does not exceed three hundred (\$300.00) dollars. For necessary affidavits, recording of papers, and fire insurance premiums, the amounts actually to be paid for same, *provided* that the foregoing charges may be deducted from the principal of the loan when the same is made; *and provided further*, that in no case shall it be lawful to deduct interest in advance, nor make any charge for extensions of loans, nor to divide or split up loans under any pretense whatsoever for the purpose of requiring or exacting any other or greater charges than prescribed herein.

No charge for examination or valuation.

Except.

Charges to be deducted from principal.

Interest not payable in advance.

SEC. 2. Any individual and any officer of any association or corporation, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and shall be fined \$100.00 for the first offense, and a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; *and further*, the mortgage or other instrument of security given for any loan shall become null and void as to the interest to be paid thereunder.

Penalty for violation.

## CHAPTER CCCLV.

*An act to amend section two of that certain act of the legislature of the State of California entitled "An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor," which became a law March 18, 1899.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of an act to protect domestic live stock from diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor which became a law March 18, 1899, is hereby amended to read as follows:

Section 2. It shall be the duty of the state veterinarian, provided for in the first section of this act, to protect the health of all domestic animals of the state from all contagious and infectious diseases, so far as practicable; and for the pur-

State veterinarian to protect health of animals.

To estab-  
lish quar-  
antine and  
other regu-  
lations.

Assistant  
state vet-  
erinarian.  
Appoint-  
ment and  
salary.

Term of  
office.

pose he is hereby authorized and empowered, by and with the approval of the governor, to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary as to stock passing over any quarantine line existing, or which may be established within the state, and all such stock so moving shall be inspected by him, and he shall issue his certificate of state inspection, unless such stock shall have been, immediately prior to such moving, inspected by an officer or agent acting under the laws of the United States. Whenever it may be necessary to carry out and give effect to the provisions of this act, the governor is hereby authorized and empowered to appoint an assistant state veterinarian, at a salary of twelve hundred dollars per annum, and his necessary expenses incurred in the discharge of his duties not exceeding \$300 per year whose tenure of office shall be determined and fixed by the governor.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCLVI.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved March 14, 1883, by amending section 167 relating to counties of the tenth class, and providing for certain increases of salaries and deputies.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section one hundred sixty-seven of an act entitled "An act to establish a uniform system of county and township governments," approved March 14th, 1883, is hereby amended to read as follows:

Salaries of  
officers of  
San Bern-  
ardino  
county  
(10th class).

Section 167. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as assistants the respective employes hereafter named, to wit:

County  
clerk.

1. The county clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and there shall be, and there is hereby allowed to the county clerk in addition, one deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand dollars per annum, the said salary to be paid by such county in monthly installments, at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

Deputy.

2. The sheriff, five thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid. Sheriff.  
Jailer.
3. The recorder, one thousand five hundred dollars per annum, and six cents per folio for recording, and four hundred and fifty dollars per year for abstract of mortgages for the county assessor. Recorder.
4. The auditor, two thousand four hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one deputy, to be appointed by the auditor, who shall be paid a salary of one thousand dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. Auditor.  
Deputy.  
Clerks.
5. The treasurer, two thousand four hundred dollars per annum. Treasurer.
6. The tax collector three thousand two hundred dollars per annum; and there shall be, and there is allowed to the tax collector in addition, one deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that in counties of this class, the tax collector shall receive no fees or commissions for the collection of licenses. Tax collector.  
Deputy.  
No fees.
7. The assessor, five thousand five hundred dollars per annum, and there shall be, and there is allowed to the assessor in addition, one deputy, to be appointed by the assessor, who shall be paid a salary of seventy-five dollars per month, not to exceed six months in any one year, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that the percentage received by the assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation. Assessor.  
Deputy.  
No fees.
8. The district attorney, three thousand dollars per annum, and there shall be, and there is allowed to the district attorney. District attorney.

- Deputy. ney in addition, one deputy, to be appointed by the district attorney, who shall be an attorney at law regularly admitted to practice before the supreme court of the State of California; who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.
- Coroner, fees. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Public administrator; fees. 10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Superintendent of schools. 11. The superintendent of schools for full services including attendance on the county board of education, one thousand eight hundred dollars per annum, and actual traveling expenses, and there shall be, and there is allowed to the superintendent in addition, a deputy, who shall be appointed by the superintendent of schools, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of the superintendent of schools shall be kept open on all business days from nine o'clock A. M. to five o'clock P. M.
- Deputy. 12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.
- Office hours. Board of education. Secretary. 13. The surveyor, one thousand five hundred dollars per annum, and in addition thereto all necessary expenses, incurred in performing county work, ordered by the board of supervisors.
- Surveyor. 14. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand and over, ninety dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of one thousand
- Justices of the peace.

five hundred and less than two thousand four hundred, sixty dollars per month; in townships having a population of eight hundred and less than one thousand five hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Constables.

The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four. Population of townships, how determined.

16. The supervisors each the sum of one hundred and twenty-five dollars per month as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars in any one year; vouchers for said traveling expenses shall be filed with the proper officer. Supervisors.

17. The official reporter of each department of the superior court shall be and he is hereby constituted a county officer and shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, a salary of one thousand eight hundred dollars per annum, payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; he shall without further compensation act as the secretary of the judge of such department of the superior court; and for transcription of said notes, when required, they shall receive the sum of twenty cents per folio for the original and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county Official court reporter.

seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party or jointly by both parties as the court may direct.

## CHAPTER CCCLVII.

*An act to amend section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1167 of the Code of Civil Procedure is hereby amended to read as follows:

Summary proceedings for the recovery of real property.

Summons, form and service of.

1167. The summons must state the parties to the proceeding, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day, and must notify the defendant to appear and answer within the time designated, or that the relief sought will be taken against him. The summons must be directed to the defendant, and be served at least two days before the return day designated therein, and must be served and returned in the same manner as summons in civil actions is served and returned; *provided*, that if it appears to the court the defendant is concealing himself to avoid the service of summons and the defendant cannot be found at his place of residence or business, or if his place of residence or business cannot be ascertained, the court may order the summons to be served by affixing a copy thereof in a conspicuous place on the property involved in the action, and also delivering a copy to a person there residing, if such person can be found, and also sending a copy thereof through the mail addressed to the defendant at the place where the property is situated. Upon the return of any summons issued under this chapter, where the same has not, for any reason, been served, or not served in time, the plaintiff may have a new summons issued, the same as if no previous summons had been issued.

## CHAPTER CCCLVIII.

*An act to amend section six of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," is hereby amended to read as follows:

Municipal corporations.

Section 6. The county auditor and county tax collector shall file with the board of supervisors itemized statements showing the additional expense to their offices of assessing and collecting these local taxes, and upon the filing of such statements the board of supervisors shall, by an order spread upon the minutes, deduct such expenses from the taxes of such municipal corporation or city, while in the hands of the county tax collector, and transfer the same into the county salary fund; *provided*, that not more than one per cent shall be charged for collecting the first twenty-five thousand dollars so collected, and one fourth of one per cent for all sums over that amount.

Duty of auditor and tax collector relating to levy and collection of taxes.

## CHAPTER CCCLIX.

*An act to amend an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," repealing section 11 thereof, relating to the issuance of temporary licenses.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Dental  
surgery.

Temporary  
license  
provision,  
repealed.

SECTION 1. Section 11 of an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," is hereby repealed.

## CHAPTER CCCLX.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending section one hundred and seventy-two thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section 172 of an act to amend an act entitled "An act to establish a uniform system of county and township governments, approved April 1, 1897, and as amended March 23, 1901, is hereby amended to read as follows:

Salaries of  
officers of  
Orange  
county  
(15th class).

Section 172. In counties of the fifteenth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: .



1. The county clerk, thirty-two hundred and fifty dollars per annum. County clerk.
2. The sheriff, four thousand dollars per annum; and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of his county. Sheriff.
3. The recorder, fifteen hundred dollars per annum, and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing. Recorder.
4. The auditor, two thousand dollars per annum. Auditor.
5. The treasurer, fifteen hundred dollars per annum. Treasurer.
6. The tax collector, two thousand dollars per annum. Tax collector.
7. The superior judge, three thousand five hundred dollars per annum. Superior judge.
8. The assessor, thirty-five hundred dollars per annum; *provided*, that in counties of this class there shall be seven field deputy assessors, who shall be appointed by the assessor of said county, and who shall hold office from twelve o'clock meridian from the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; the salaries of each of said seven deputy assessors herein provided for is fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salaries shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the assessor; *provided*, that all commissions shall be paid into the county treasury. Assessor.  
Field deputies.
9. The district attorney, twenty-five hundred dollars per annum. District attorney.
10. The coroner, such fees as are now or may be hereafter allowed by law. Coroner; fees.
11. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator; fees.
12. The superintendent of schools, twenty-two hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of the county, and keep his office open on all business days. Superintendent of schools.
13. The surveyor, eight dollars per day while actually employed by the county. Surveyor.
14. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month. In addition Justices of the peace.

to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Constables. 15. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Traveling expenses.

Fees in civil cases.

Supervisors.

16. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed four hundred dollars per year in the aggregate.

Population of townships, how determined.

17. For the purposes of subdivisions 14 and 15 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

## CHAPTER CCCLXI.

*An act to amend section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1598 of the Political Code is hereby amended to read as follows:

Who are entitled to vote for school trustees.

1598. Every elector, resident of the school district, who is a qualified elector of the county, and who is registered in the precinct where the election is held at least thirty days before the election, may vote thereat.

## CHAPTER CCCLXII.

*An act to amend section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1600 of the Political Code is hereby amended to read as follows:

1600. Any person offering to vote may be challenged by any elector of the district, and the judges of election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this state one year, in this county ninety days, and in this school district thirty days preceding this election, and that your name is on the great register of this county, and was on the great register of a precinct in this school district at least thirty days before this election, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote must be received, otherwise his vote must be rejected.

Election of school trustees.

Challenge of vote.

## CHAPTER CCCLXIII.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending sections five hundred and thirty-seven and five hundred and thirty-eight thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 537 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as in this chapter provided, in the following cases:

Attachment, when and in what cases may issue.

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this state, and is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless.

2. In an action upon a contract, express or implied, against a defendant not residing in this state.

3. In an action against a defendant, not residing in this state, to recover a sum of money as damages, arising from an injury to property in this state, in consequence of negligence, fraud, or other wrongful act.

SEC. 2. Section 538 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Writ to  
issue on  
affidavit.

538. The clerk of the court must issue the writ of attachment, upon receiving an affidavit by or on behalf of plaintiff, showing:

Affidavit,  
what to  
contain.

1. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counterclaims) upon a contract, express or implied, for the direct payment of money, and that such contract was made or is payable in this state, and that the payment of the same has not been secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, that such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless; or,

2. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counterclaims) and that the defendant is a non-resident of the state; or,

3. That plaintiff's cause of action against defendant is one to recover a sum of money as damages (specifying the amount thereof) arising from an injury to property in this state in consequence of the negligence, fraud, or other wrongful act of defendant, and that the defendant is a non-resident of the state; and

4. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

## CHAPTER CCCLXIV.

*An act to amend section twelve of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred and ninety-seven, amended March twenty-third, one thousand nine hundred and one, and fixing the compensation of grand jurors and trial jurors in criminal cases.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred and ninety-seven and amended March twenty-third, one thousand nine hundred and one, is hereby amended to read as follows:

County  
govern-  
ment.

Section 12. Section 164 of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred and ninety-seven and amended March twenty-third, one thousand nine hundred and one, is hereby amended to read as follows:

Section 164. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries of  
officers of  
Fresno  
county  
(7th class).

1. The county clerk two thousand four hundred dollars (\$2400) per annum. He shall have one deputy at a salary of thirteen hundred eighty dollars (\$1380) per annum; one deputy at a salary of twelve hundred dollars (\$1200), and three deputies at salaries of ten hundred and twenty dollars (\$1020) per annum each, and one at a salary of seven hundred and twenty dollars (\$720) per annum.

County  
clerk.  
Four depu-  
ties.

2. The sheriff fifty-four hundred dollars (\$5400) per annum and all fees for service of processes issued without his county. He shall have an under-sheriff whose annual salary shall be thirteen hundred eighty dollars (\$1380), two deputies whose annual salaries shall be twelve hundred (\$1200) each, one deputy whose salary shall be eleven hundred and forty dollars per annum and three deputies whose annual salaries shall be ten hundred and twenty dollars (\$1020) each.

Sheriff.

Six depu-  
ties.

3. The recorder twenty-one hundred dollars (\$2100) per annum. He shall have one deputy whose annual salary shall be thirteen hundred eighty dollars (\$1380), and two deputies whose annual salaries shall be ten hundred and twenty dollars (\$1020) each, and one deputy for a period of four months at seventy-five dollars (\$75) per month, he shall have such copyists as are necessary to perform the duties of the office at a compensation not to exceed 6 cents per folio.

Recorder.

Four depu-  
ties.

- Auditor. 4. The auditor twenty-one hundred (\$2100) dollars per  
Deputy. annum, and one deputy at an annual salary of thirteen hun-  
Clerk. dred eighty dollars (\$1380) and one clerk at an annual  
Treasurer. salary of ten hundred and twenty dollars (\$1020).  
Deputy. 5. The treasurer twenty-five hundred dollars (\$2500) per  
annum. He shall have a deputy at a salary of thirteen hun-  
Tax collector. dred eighty dollars (\$1380) per annum.  
Four deputies. 6. The tax collector twenty-one hundred dollars (\$2100)  
per annum. He shall have one deputy who shall receive thir-  
No fees. teen hundred eighty dollars (\$1380) per annum, and three  
deputies at an annual salary of ten hundred and twenty dollars  
(\$1020) each. No other fees or compensation other than the  
Traveling expenses. compensation provided for in this section shall be allowed the  
tax collector for the collection of license, and all license or other  
fees collected shall be paid into the county treasury monthly,  
rendering therewith a statement of the license or other fees col-  
lected. He shall be allowed actual traveling expenses in the  
collection of said license fees, the same to be audited by the  
board of supervisors and paid the same as other bills against  
the county are paid.
- Assessor. 7. The assessor shall receive three thousand dollars (\$3000)  
per annum, for all services rendered as assessor. He shall have  
Deputies. one deputy at an annual salary of thirteen hundred eighty  
dollars (\$1380) and ten deputies for three months whose per  
diem shall be four dollars (\$4) each when actually employed,  
and four deputies for four months whose per diem shall be  
four dollars (\$4.00) each when actually employed. He shall  
have four copyists for a period of four months each, at fifty  
dollars (\$50.00) per month each during such time. All sums  
No fees. collected by the assessor or his deputies either as personal  
property taxes, poll or road taxes, or the fees allowed by law  
for the making of the military roll shall be paid into the  
county treasury monthly as collected, with a statement of  
account of such collections.
- District attorney. 8. The district attorney three thousand dollars (\$3000) per  
annum. He shall have one deputy at a salary of eighteen  
Two deputies. hundred dollars (\$1800) per annum, and one deputy at a  
salary of twelve hundred dollars (\$1200) per annum. He  
Stenographer. shall also have a stenographer at an annual salary of nine  
hundred dollars (\$900)
- Coroner: fees. 9. The coroner such fees as are now or may hereafter be  
allowed by law.
- Public administrator: fees. 10. The public administrator such fees as are now or may  
hereafter be allowed by law.
- Superintendent of schools. Deputy. 11. The superintendent of schools twenty-one hundred dol-  
lars (\$2100) per annum for all services rendered as such.  
He shall have one deputy at an annual salary of twelve hun-  
dred dollars (\$1200). The superintendent shall also be  
allowed actual traveling expenses when visiting the schools of  
his county.
- Surveyor. 12. The surveyor two thousand dollars (\$2000) per  
annum in full compensation for all services as county sur-

veyor as road viewer and road inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of nine hundred and sixty dollars (\$960). Deputy.

13. (a) The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk. The salaries of the several township officers shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1.....	275 (Firebaugh)
Judicial Township No. 2.....	621 (Clovis)
Judicial Township No. 3.....	5618 (Fresno)
Judicial Township No. 4.....	822 (Fowler)
Judicial Township No. 5.....	827 (Selma)
Judicial Township No. 6.....	542 (Coalinga)
Judicial Township No. 7.....	953 (Sanger)
Judicial Township No. 8.....	512 (Reedley)
Judicial Township No. 9.....	283 (Kingsburg)
Judicial Township No. 10.....	466 (Letcher)
Judicial Township No. 11.....	67 (Lemoore)
Judicial Township No. 12.....	73 (Polasky)
Judicial Township No. 13.....	322 (Laton)

Popula-  
tion of  
townships,  
how de-  
termined.

(b) For the purpose of regulating the compensation of justices of the peace and persons performing the duties of justice of the peace, and constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Classification of townships.

Townships having a registered voting population of 5000 and more shall belong to and be known as townships of the first class; townships having a like population of 1000 and less than 5000 shall belong to and be known as townships of the second class; townships having a like population of 800 and less than 1000 shall belong to and be known as townships of the third class; townships having a like population of 500 and less than 800 shall belong to and be known as townships of the fourth class; townships having a like population of 250 and less than 500 shall belong to and known as townships of the fifth class; townships having a like population of 250 and less shall belong to and be known as townships of the sixth class.

(c) Justices of the peace and persons performing duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit: Justices of the peace.

In townships of the first class one hundred and seventy-five dollars.

In townships of the second class one hundred dollars.

In townships of the third class eighty dollars.

In townships of the fourth class sixty dollars.

In townships of the fifth class, forty dollars.

In townships of the sixth class twenty dollars.

**Fees in civil cases.** In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

**Constables.** 14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class, one hundred dollars.

In townships of the second class, ninety dollars.

In townships of the third class, eighty dollars.

In townships of the fourth class, sixty dollars.

In townships of the fifth class, forty dollars.

In townships of the sixth class, twenty dollars.

**Fees in civil cases.** In addition to the monthly salaries herein allowed each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall be also allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided further* that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

**Supervisors.** 15. The supervisors shall receive each the sum of fifteen hundred dollars per annum, paid monthly in installments of one hundred and twenty-five dollars per month, in full compensation for all services rendered either as supervisors or road overseers.

**Jurors.** 16. Jurors' fees in criminal cases, shall be as follows: For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day three dollars, for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, fifteen cents and the county clerk shall certify to the auditor the number of days attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

**Salaries, how paid.** 17. The salaries of all county and township officers shall be payable in installments monthly on the first day of each month.



## CHAPTER CCCLXV.

*An act to amend section 57 of an act entitled, "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 57 of an act, entitled, "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended to read as follows:

Section 57. Section two hundred and ten (210) of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Section 210. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

- |                                                                                                                                                                                                                                                                                                                    |                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 1. The county clerk, sixteen hundred dollars per annum.                                                                                                                                                                                                                                                            | County clerk.                                          |
| 2. The sheriff five thousand per annum and mileage for service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county. | Sheriff.                                               |
| 3. The recorder, eight hundred dollars per annum.                                                                                                                                                                                                                                                                  | Recorder.                                              |
| 4. The auditor, two hundred dollars per annum.                                                                                                                                                                                                                                                                     | Auditor.                                               |
| 5. The treasurer, one thousand dollars per annum.                                                                                                                                                                                                                                                                  | Treasurer.                                             |
| 6. The tax collector, one thousand dollars per annum.                                                                                                                                                                                                                                                              | Tax collector.                                         |
| 7. The assessor, fifteen hundred dollars per annum.                                                                                                                                                                                                                                                                | Assessor.                                              |
| 8. The district attorney, nine hundred dollars per annum.                                                                                                                                                                                                                                                          | District attorney.                                     |
| 9. The coroner, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                           | Coroner.                                               |
| 10. The public administrator, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                             | Public administrator.                                  |
| 11. The superintendent of schools, four hundred dollars per annum.                                                                                                                                                                                                                                                 | Superintendent of schools.                             |
| 12. The surveyor, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                         | Surveyor; fees.                                        |
| 13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all                                                                                                                                 | Justices of the peace, salary and fees in civil cases. |

County government.

Salaries of officers of Inyo county (53d class).

services rendered, as hereinafter provided. In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are or may be hereafter allowed by law. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers, aforesaid.

Constables. 14. Constable, such fees as are now or may be hereafter allowed by law.

Supervisors. 15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars.

Official court reporter. 16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

CHAPTER CCCLXVI.

*An act to add a new section to the Political Code of the State of California, to be known as section 1367a, relating to primary elections and the manner of voting thereat.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section 1367a of the Political Code, to read as follows:

1367a. In all cases except in those where the name and address of a person desiring to vote at a primary election has been written on the roster of voters for him, as provided in section 1367 of the Political Code, it shall be the duty of the ballot clerk, in the presence and view of the bystanders, to compare the signature of such person on the roster of voters with the signature of that person on the register and no ballot must be given to such voter until such a comparison of signatures has been made, and until such a comparison of signatures, as aforesaid, has been made, the right of such voter to vote may be challenged.

Primary elections.

Duty of ballot clerk to compare signatures of voters.

Challenge, when.

CHAPTER CCCLXVII.

*An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April first, eighteen hundred and ninety-seven, and amended March 23rd, 1901, by amending section 198 thereof, relating to the compensation of officers of counties of the forty-first class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 198 of an act entitled "An act to establish a uniform system of county and township government" approved March first, eighteen hundred and ninety-seven, and amended April 23rd, 1901, is hereby amended to read as follows:

County government.

Section 198. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries of officers of Yuba county. (41st class).

1. The county clerk, three thousand dollars per annum.

County clerk.

- Sheriff.** 2. The sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
- Recorder.** 3. The recorder, one thousand five hundred dollars per annum.
- Auditor.** 4. The auditor, one thousand dollars per annum.
- Treasurer.** 5. The treasurer, one thousand five hundred dollars per annum.
- Tax collector.** 6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.
- Assessor.** 7. The assessor, two thousand five hundred dollars per annum.
- District attorney.** 8. The district attorney, two thousand dollars per annum.
- Coroner; fees.** 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator; fees.** 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools.** 11. The superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
- Surveyor; fees.** 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices of the peace and constables.** 13. In counties of this class the township officers shall receive the following compensation, to wit:  
 In townships having a population of three thousand or more, justices of the peace and constables shall each receive a monthly salary of sixty dollars per month.  
 In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.  
 In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.  
 In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of fifteen dollars per month.  
 In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of five dollars per month.
- The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation; *and, provided*
- Traveling expenses of constables.**

further, that for the purpose of this act, the population of the several townships, shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Fees in  
civil cases.

14. Each member of the board of supervisors, five hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board; and when serving as road commissioner, three dollars per day, and twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as such commissioner.

Supervis-  
ors.

Subdivision thirteen of this section shall take effect immediately.

## CHAPTER CCCLXVIII.

*An act to create a drainage district to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby created a drainage district to be known and designated as "Sacramento Drainage District," the boundaries of which said district are as follows:

Sacra-  
mento  
drainage  
district.

Commencing at the northwest corner of section twenty-six, Tp. 3 N. R. 1 E. M. D. B. & M. Thence southeast to the southeast corner of said section twenty-six; thence east on section line to the southwest corner of section twenty-nine, Tp. 3 N. R. 2 E. Thence northeast to the northeast corner of said section twenty-nine; thence east one half mile; thence north one half mile; thence east one half mile; thence northeasterly in a direct line to the southeast corner of Tp. 4 N. R. 2 E. Thence north along range line to southeast corner of section twelve, Tp. 4 N. R. 2 E. Thence west one mile to the southwest corner of section twelve; thence northwest in a direct line to the southeast corner of section twenty-nine, Tp. 5 N. R. 2 E. Thence northwesterly in a direct line to the quarter section corner of the west line of section twenty-nine, Tp. 5 N. R. 2 E.

Bound-  
aries.

Bound-  
aries of the  
Sacra-  
mento  
drainage  
district.

Thence west one and one half miles to the center of section twenty-five, Tp. 5 N. R. 1 E. Thence following quarter section lines north four miles to center of section one, Tp. 5 N. R. 1 E. Thence east one half mile to the quarter section corner on the east line of section one, Tp. 5 N. R. 1 E. Thence north one half mile to the northwest corner of Tp. 5 N. R. 2 E. Thence east along township line one mile more or less to the southwest corner of section thirty-two, Tp. 6 N. R. 2 E. Thence following legal subdivision line in said Tp. 6 N. R. 2 E., north one mile to the northwest corner of section thirty-two; east one half mile to the quarter section corner of the south line of section twenty-nine; north one half mile to the center of section twenty-nine; east one half mile to the quarter section corner on the east line of section twenty-nine; north one half mile to the northwest corner of section twenty-eight; east one half mile to the quarter section corner on the south line of section twenty-one; north one half mile to the center of section twenty-one; east one half mile to the quarter section corner on the east line of section twenty-one; north one and one half miles to the northwest corner of section fifteen; east one mile to the northeast corner of section fifteen; north one half mile to the quarter section corner on the west line of section eleven; east one mile to the quarter section corner on the east line of section eleven; north one half mile to the northwest corner of section twelve; east one mile to the northeast corner of section twelve; thence north along the range line one mile to the northwest corner of Tp. 6 N. R. 3 E. East one half mile to the quarter section corner on the south line of section thirty-one, Tp. 7 N. R. 3 E. Thence following the legal subdivision lines in Tp. 7 N. R. 3 E., north two miles to the quarter section corner on the north line of section thirty; east one half mile to the northeast corner of section thirty; north two and one half miles to the quarter section corner on the west line of section eight; east one mile to the quarter section corner on the east line of section eight; thence north two and one half miles along section lines to the northwest corner of section thirty-three, Tp. 8 N. R. 3 E. Thence west along section line two miles to the southwest corner of section thirty, Tp. 8 N. R. 3 E.; thence north along township line to the southwest corner of section six in said township; thence east one and one half miles to the quarter section corner on the south boundary of section five in said township; thence north one mile to the quarter section corner on the north line of said section five; thence west along section lines two and one half miles to the southwest corner of section thirty-six, Tp. 9 N. R. 2 E. Thence north along section line three miles to the northwest corner of section twenty-four, Tp. 9 N. R. 2 E. Thence west one half mile to the quarter section corner on the south line of section fourteen, Tp. 9 N. R. 2 E. Thence along quarter section line four miles to the quarter section corner on the north line of section thirty-five, Tp. 10 N. R. 2 E. Thence east one mile to the quarter section corner on the north line

of section thirty-six in said township; thence north one mile to the quarter section corner on the north line of section twenty-five in said township; thence east one half mile to the township line; thence north two miles to the northeast corner of section thirteen in said township; thence west one quarter of a mile; thence north one half mile; thence west three quarters of a mile to the quarter section corner on the west boundary of section twelve in said township; thence north one mile to the quarter section corner on the west boundary of section one in said township; thence north one mile to the quarter section corner on the west boundary of section one; thence west one half mile to the center of section two; thence north one and one half miles to the quarter section corner on the north line of section thirty-five, Tp. 11 N. R. 2 E. Thence west to the northwest corner of section thirty-five in said township. Thence following legal subdivision lines in Tp. 11 N. R. 2 E., north two miles to the northwest corner of section twenty-three; west two miles to the southwest corner of section sixteen, north one half mile to the quarter section corner on the east line of section seventeen; west one half mile to the center of section seventeen, north one quarter mile, west one half mile to the west line of section seventeen, north one quarter mile to the northwest corner of section seventeen; thence west three quarters of a mile; thence north one quarter of a mile; thence west one half mile; thence north one half mile; thence west one quarter of a mile to the west boundary of section seven; thence south three quarters of a mile to the southwest corner of section seven; thence west on section lines two miles to the southwest corner of section eleven, Tp. 11 N. R. 1 E. Thence following legal subdivision lines in Tp. 11 N. R. 1 E., north one mile to the northwest corner of section eleven, west one half mile to the quarter section corner on the south line of section three, north one half mile to the center of section three, west three miles to the center of section six, north one half mile to the quarter section corner on the north line of section six; thence west along township line one half mile to the southwest corner of Tp. 12 N. R. 1 E. Thence north along range line one mile to the northwest corner of section thirty-one, Tp. 12 N. R. 1 E. Thence following legal subdivision lines in Tp. 12 N. R. 1 W., west one half mile to the quarter section corner on the south line of section twenty-five, north one mile to the quarter section corner on the north line of section twenty-five, west one quarter mile, north one mile to the north line of section twenty-four, west one half mile, north one mile to the north line of section fourteen, east one quarter mile to the southwest corner of section twelve, north one mile to the northwest corner of section twelve, east one half mile to the quarter section corner on the south line of section one; thence north on quarter section lines two miles to the quarter section corner on the north line of section thirty-six, Tp. 13 N. R. 1 W.; thence following legal subdivision lines in Tp. 13 N. R. 1 W., east one quarter mile, north one

Boundaries of the Sacramento drainage district.

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half mile, west one quarter mile, to the center of section twenty-five, north one quarter mile, west one quarter mile, north one half mile, west one quarter mile to the west line of section twenty-four, north one quarter mile to the quarter section corner on the east line of section twenty-three, west one quarter mile, north one quarter mile, west one quarter mile, north one quarter mile to the quarter section corner on the north line of section twenty-three, west one quarter mile, north one quarter mile, west one half mile, north one quarter mile, west one half mile, north one quarter mile, west one quarter mile to the west line of section fifteen, north one quarter mile to the northwest corner of section fifteen, west one quarter mile, north one mile, to the north line of section nine, west one quarter mile to the quarter section corner on the south line of section four, north one half mile to the center of section four, west one quarter mile, north one half mile to the north line of section four; thence west along the township line three quarters of a mile to the quarter section corner on the south line of section thirty-two, Tp. 14 N. R. 1 W. Thence following legal subdivision lines in Tp. 14 N. R. 1 W., north one and one half miles to the center of section twenty-nine, west one half mile to the quarter section corner on the west line of section twenty-nine, north one half mile to the northwest corner of section twenty-nine, west one quarter mile, north one and one quarter miles, west one quarter mile, north one half mile, west one quarter mile, north one quarter mile, to the north line of section eighteen, west one quarter mile to the northwest corner of section eighteen; thence north along the range line two miles to the northwest corner of Tp. 14 N. R. 1 W. Thence along legal subdivision lines in Tp. 15 N. R. 2 W., as follows: West one half mile to the quarter section corner on the south boundary of section thirty-six; thence north one and one half miles to the center of section twenty-five; thence west one half mile to the quarter section corner on the west boundary of section twenty-five; thence north two and one half miles to the southeast corner of section eleven; thence west one half mile to the quarter section corner on the south line of section eleven; thence north one mile to the quarter section corner on the north line of section eleven; thence west one half mile to the southwest corner of section two; thence north one mile to the northwest corner of section two; thence west one half mile to the quarter section corner on the south line of section thirty-four, Tp. 16 N. R. 2 W. Thence following legal subdivision lines in Tp. 16 N. R. 2 W. as follows: North one half mile to the center of section thirty-four, west one half mile to the quarter section corner on the west line of section thirty-four; thence north one half mile to the northwest corner of section thirty-four; thence west one half mile to the quarter section corner on the south line of section twenty-eight; thence north one half mile to the center of section twenty-eight; thence west one half mile to the quarter section corner on the west line



of section twenty-eight; thence north four and one half miles to the southeast corner of section thirty-two, Tp. 17 N. R. 2 W. Thence west along township line one mile to the southwest corner of said section thirty-two; thence north six miles to the southwest corner of section thirty-two, Tp. 18 N. R. 2 W. Thence east one mile to the southeast corner of said section thirty-two; thence north six miles to the northeast corner of section five in said township; thence east on township line to the southwest corner of Tp. 19 N. R. 1 W. Thence north four miles along range line; thence east two miles more or less to the center of the Sacramento river; thence northerly following the center line of said river to its intersection with the north line of Tp. 19 N. R. 1 W. Thence east along township line four miles more or less to the northeast corner of Tp. 19 N. R. 1 W. Thence south along meridian line five miles to the northwest corner of section thirty-one, Tp. 19 N. R. 1 E. Thence east along the north line of said section thirty-one to the west line of Rancho Aguas Frias; thence southerly along the west line of the said rancho one mile to the north line of Tp. 18 N. R. 1 E. Thence east along the north line of sections six and five, Tp. 18 N. R. 1 E., to the northeast corner of section five, Tp. 18 N. R. 1 E. Thence south following section line eleven miles to the southeast corner of section twenty-nine, Tp. 17 N. R. 1 E. Thence west one half mile to the quarter section corner on the north line of section thirty-two, Tp. 17 N. R. 1 E. Thence south along quarter section line two miles to the quarter section corner on the south line of section five Tp. 16 N. R. 1 E. Thence west one half mile to the northeast corner of section seven, Tp. 16 N. R. 1 E. Thence south one mile to the southeast corner of said section seven; thence west one mile to the southwest corner of said section seven; thence south along range line two miles to the northwest corner of section thirty, Tp. 16 N. R. 1 E. Thence following legal subdivision lines in Tp. 16 N. R. 1 E., east one quarter mile; thence south one half mile; thence east one quarter mile to the center of section thirty; thence south one half mile to the quarter section corner on the south line of section thirty; thence east one half mile to the northeast corner of section thirty-one; thence south one mile to the northeast corner of section six, Tp. 15 N. R. 1 E. Thence following legal subdivision lines in Tp. 15 N. R. 1 E., south one half mile to the quarter section corner on the west line of section five, east one half mile to the center of section five, south one half mile to the quarter section corner on the south line of section five, east one and one half miles to the northeast corner of section nine, south one half mile to the quarter section corner on the west line of section ten, east one mile to the quarter section corner on the east line of section ten; south one half mile to the southeast corner of section ten; thence east along section lines four miles to the northeast corner of section seventeen, Tp. 15 N. R. 2 E. Thence east on section lines to the center of Feather river; thence along the center of Feather river to

Boundaries of the Sacramento drainage district.

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its intersection with Yuba river; thence up the center of Yuba river to where the center of said river crosses the section line running north and south between sections sixteen and seventeen in Tp. 15 N. R. 4 E. Thence south on section line to the southwest corner of section four, Tp. 13 N. R. 4 E. Thence east three miles; thence north to the north boundary of Tp. 13 N. R. 4 E. Thence east along township line five miles; thence south two miles to the southwest corner of section eleven Tp. 13 N. R. 5 E. Thence west on section line one mile; thence south one mile to the southwest corner of section fifteen, Tp. 13 N. R. 5 E. Thence west on section line two miles to the northeast corner of section nineteen, Tp. 13 N. R. 5 E. Thence south one mile to the southeast corner of said section nineteen; thence west on section line to the northwest corner of section twenty-eight, Tp. 13 N. R. 4 E. Thence south along section line nine miles to the southeast corner of section five, Tp. 11 N. R. 4 E. Thence east on section line two miles to the northeast corner of section ten; thence south three miles to the southeast corner of section twenty-two; thence east one mile to the northeast corner of section twenty-six; thence south two miles to the southeast corner of section thirty-five; thence east along the north line of section one Tp. 10 N. R. 4 E., to the northeast corner of Tp. 10 N. R. 4 E. Thence south along range line six miles more or less to the southeast corner of Tp. 10 N. R. 4 E. Thence east along township line one half mile more or less to the west line of Rancho del Paso; thence south along the west line of said rancho four miles; thence east three and one half miles more or less to a point due north from the northeast corner of section fifteen, Tp. 8 N. R. 5 E. Thence south four miles more or less to the northeast corner of section fifteen, Tp. 8 N. R. 5 E. Thence following legal subdivision lines in Tp. 8 N. R. 5 E., south one mile to the southeast corner of section fifteen, west two miles to the southwest corner of section sixteen; south two miles to the southeast corner of section twenty-nine; east one mile to northeast corner of section thirty-three; thence south along section lines four miles to the southeast corner of section sixteen, Tp. 7 N. R. 5 E. Thence west one mile to the southwest corner of section sixteen, Tp. 7 N. R. 5 E. Thence south along section line seven miles to the southeast corner of section twenty, Tp. 6 N. R. 5 E. Thence east on section lines to the center of the Cosumnes river; thence down the center of the Cosumnes river to the center of the Mokelumne river; thence down the center of the Mokelumne river to its forks at New Hope landing; thence down the center of the south fork of the Mokelumne river to its intersection with Potato slough near the northwest corner of section thirteen, Tp. 3 N. R. 4 E. Thence down the center of Potato slough to its intersection with Little Connection slough. Thence down the center of Little Connection slough. Thence down Disappointment slough to the center of the San Joaquin river; thence down the center of said river to a point due south of the place of beginning; thence north to the place of beginning.

SEC. 2. The officers of said district shall consist of a board of drainage commissioners, who shall hold office four years from and after their election or appointment, and until their successors have qualified, and a board of river control, consisting of two members selected as hereinafter provided.

Officers and term.

SEC. 3. Said drainage commissioners shall be nine in number, and shall be selected as follows: Two from the county of Sacramento; one from the county of San Joaquin; one from the county of Solano; one from the county of Yolo; one from the county of Colusa; one from the county of Sutter; one from the counties of Yuba and Placer jointly, and one from the counties of Glenn and Butte jointly.

Number of commissioners and election.

SEC. 4. An election shall be held on the first Saturday after the first day of September, in the year 1905, and every four years thereafter, on the first Saturday after the first day of September of such year, in that portion of each of said counties situated within said drainage district, at which election said commissioners shall be elected. At such election each owner of land within that portion of each county situated within said district shall be entitled to cast one vote, in person or by proxy, for each commissioner to be elected in such county for each one dollar's worth of real estate owned by such land owner within said district, and within said county, such valuation to be determined by the next preceding assessment roll of such county. Where more than one commissioner is to be elected in a county, every owner of real estate entitled to vote shall have the right to cumulate his or her votes and multiply them by the number of candidates to be elected in said county, and give one candidate all of said votes, or distribute such votes on the same principle among as many candidates as may be desired. The estates of minors, incompetent or deceased persons shall be represented by the guardian, executor, administrator or trustee in person.

Date of election

Who may vote.

Vote, when may be cumulated.

The board of supervisors of each county shall designate the voting places in such county. Notice of the time and place of holding such elections in each county shall be given by publication for two weeks next preceding such election in some newspaper published in such county, and in case there is a newspaper published in such drainage district, such notice must be published therein. An inspector and two judges of election shall be appointed for each voting place, who shall constitute a board of election for such voting place. Said board of election shall be appointed by the board of supervisors of each county, respectively. In case no board of election shall be appointed, or if any member thereof shall fail or refuse to serve, the land owners present at such election may appoint such board of election, or supply the place of an absent member. Each member of the board of election must, before entering upon the discharge of his duties, be sworn to perform them faithfully. Any person entitled to vote at such election may administer the oath. The polls shall be kept open

Estates of minors, etc., representatives of

Supervisors to designate voting places.

Notice of time and place to be published.

Officers of election.

Polls kept open.

from ten o'clock A. M. until four o'clock P. M. on the day of said election.

Duty of election board.

The board of election must keep a list of the names of the persons voting at such election, together with a statement of the number of votes cast by each, and shall canvass the votes and make a return thereof showing the number of votes cast for each person for drainage commissioner, and shall return therewith said list containing the names of the land owners voting at such election.

Election by ballot.

Such election shall be by ballot, which ballots must contain the name of the person voting the same, the total number of votes cast, the names of the persons voted for and the number of votes cast for each of said persons. The ballots must be inclosed in an envelope by the election board, and delivered, with the election returns, to the board of supervisors of the county in which the votes were cast, and such board of supervisors shall cause a certificate of election to be issued by the clerk of said board to the person or persons receiving the highest number of legal votes. Where one drainage commissioner is to be elected by votes cast in more than one county, the election returns must be made to the board of supervisors of the county containing the greater quantity of land within said drainage district.

Certificate of election.

Election held in different counties, returns made to whom.

Supervisors to canvass returns and hear evidence when.

If a certificate of election shall be issued to any person who has not received the highest number of legal votes, and upon an affidavit being filed by a land owner in said drainage district setting forth that such person did not receive the highest number of legal votes, and giving the names of the persons who cast illegal votes for such person, and the number of such illegal votes so cast, the board of supervisors shall canvass the election returns, and hear evidence touching the legality of any votes cast, and may revoke such certificate of election and issue a certificate to the person legally elected; and any person aggrieved may thereupon prosecute a contest in the courts for the determination of the legality of the election of the person to whom the certificate of election has been issued.

Contest.

Oath of office.

SEC. 5. Within fifteen days after receiving a certificate of election, and before entering upon the duties of his office, each drainage commissioner shall take the oath of office prescribed by law, and file the same in the office of the county clerk of the county in which such commissioner resides, and shall file in the office of said clerk a bond approved by a judge of the superior court of such county in the sum of ten thousand dollars, conditioned that he will faithfully discharge the duties of his trust according to law.

Qualifications.

Each drainage commissioner must be a bona fide owner of at least forty acres of land within said drainage district, and within the county for which he was elected.

Vacancies.

All vacancies in the board of drainage commissioners shall be filled by appointment by the governor, and such appointee shall hold office until the next succeeding election.

SEC. 6. The board of drainage commissioners shall elect one of their number as president, and shall elect a secretary, and an engineer, who shall not have been a member of the board, and employ such other persons as may be necessary to assist and advise said board.

President, secretary, and engineer.

The office of said board of drainage commissioners shall be kept at the city of Sacramento. The board shall hold regular meetings upon the first Mondays of February, May, August and November of each year, and may, in the by-laws of the district, provide for as many regular meetings as may be necessary, and at such meetings a majority of all of the members shall constitute a quorum for the transaction of any and all business.

Office and meeting of board.

Each commissioner shall receive ten dollars per day, and necessary mileage actually expended while engaged in the performance of his duties, but the per diem of any commissioner shall in no case exceed one thousand dollars for any one year.

Compensation.

The engineer elected by the board of drainage commissioners shall inspect the works of reclamation of all persons and districts within said drainage district, and report the condition thereof to the board of drainage commissioners. He must examine all plans of reclamation, and estimates submitted to said board of drainage commissioners, and advise such board as to the sufficiency of such plans and estimates, and perform such other duties as may be required by the board.

Engineer, duties of.

All notices required by this act to be published, must be published in a newspaper within the drainage district, if there be a newspaper published therein, and within the county in which such publication is to be made. If there is no newspaper published within said drainage district and within such county, such publication must be made in the newspaper published nearest to said district and within said county.

Notices, where published.

SEC. 7. The board of drainage commissioners shall have power to adopt by-laws, not in conflict with general laws; to supervise and control the formation, consolidation or division of reclamation districts within said drainage district; to employ engineers, and such other persons as may be necessary to advise and assist them in the performance of their duties; to appoint an executive committee, with such powers as are not in conflict with general laws; to have supervision of all levees and canals within said drainage district, excepting such levees and canals as are, or may be, placed under the supervision of the board of river control, as in this act provided; to approve, or disapprove, any plan of reclamation in any reclamation district; to compel the construction and maintenance of necessary reclamation works in reclamation districts within said drainage district; to issue warrants upon the state controller for its expenditures incurred as provided by law; to appoint trustees of reclamation districts in case of vacancies; to acquire by contract, purchase, condemnation, or

By-laws.

Duties of commissioners.

other lawful means, from private persons, reclamation, swamp land, levee or protection districts, or corporations, all rights of way, easements, property, and material necessary or requisite for levees, canals and other reclamation works; to sue and to be sued in the name of said drainage district, and to do all other acts and things necessary or requisite for the full exercise of their powers or necessary for the promotion of the reclamation of lands within said drainage district.

Levy of assessment.

SEC. 8. Whenever, in the opinion of said board of drainage commissioners, it shall be necessary to levy an assessment upon the lands within said drainage district for the purpose of paying the expenses of said board of drainage commissioners, or the cost of construction of any canals or levees that are intended to promote drainage or protection of more than one reclamation district or tract of land, or any expenditures necessary to enable said board to perform its duties and promote reclamation, said board of drainage commissioners shall cause an assessment to be levied upon the lands within said drainage district for such purpose.

Said board shall make an estimate of the sum or sums necessary for each purpose, excepting the expenses of general management, which may be estimated in one sum.

Appointment of assessors.

The board shall appoint three assessors, who shall be disinterested persons, and who shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability.

Oath of office.

Apportionment of assessment.

Said assessors must assess upon the land within said drainage district the said sum so estimated by the board of drainage commissioners, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money.

List of lands assessed.

Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed, by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known, or if unknown, that fact; the amount of the charge assessed against each tract. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment.

Duty of secretary of board.

Said lists when completed shall be filed with the secretary of the board of drainage commissioners, and said secretary shall forward to the county treasurer of each county the assessment list for such county, and the same shall be open for inspection by the public.

Hearing of objections to assessment.

The board of drainage commissioners shall appoint a time and place when and where it will meet in each county for the purpose of hearing objections to said assessments, and notice of such hearing shall be given by publication for two weeks

in some newspaper published in said county, such publication to be made in the newspaper nearest to said district and within said county. At any time before the date of such hearing, any person interested in any real estate, upon which any charge has been assessed, may file written objections to such assessment, stating the grounds of such objection, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing, the board of drainage commissioners shall hear such evidence as may be offered touching the correctness or the equity of such assessment, and may modify or amend the same, and the decision of said board of drainage commissioners shall be final, and thereafter said assessment list shall be conclusive evidence that the said assessment has been apportioned according to the benefits that will accrue to each tract of land in said district, and such assessment shall constitute a lien upon the lands so assessed.

SEC. 9. After such hearing has been had in any county, said assessment list shall be certified by the secretary of the board of drainage commissioners to be correct, and said list shall be deposited in the office of the county treasurer of said county, and said assessment shall thereafter be paid to the county treasurer in such installments, and in such amounts, and at such times as the board of drainage commissioners shall by order direct, but the time for such payments shall not be less than sixty days from and after the date of making such order.

Assessment, when and where paid.

In case any installment of any assessment shall not be paid at the time directed by the board of drainage commissioners, a cause of action shall accrue for the collection of such delinquent installment, or of the whole of such assessment, at the option of said board of drainage commissioners, together with interest at the rate of seven per cent per annum from the date of such delinquency.

Collection of delinquent assessments

The board of drainage commissioners shall commence actions in the name of said drainage district, in the superior court of the county in which the land is situated, for the collection of said delinquent installment or delinquent assessment, with interest thereon and costs, and for the enforcement of the lien on the land assessed, against the person to whom the same shall have been assessed, or against the owner of said land in case the same shall not have been assessed to the owner, and if said land was assessed to unknown owners, then against the real owners, or if the names of such real owners can not be ascertained, then against all persons having or claiming any interest therein by fictitious names. The complaint shall contain a description of the real estate as described in the assessment; the amount of the delinquent installment or assessment sought to be recovered; a statement that the said lands have been assessed by the assessors appointed by the board of drainage commissioners; the name of the person to whom it was assessed, or if assessed to unknown owners, that

Actions, how and where commenced.

Complaint to contain what.

fact, and the date when the assessment list was certified by the secretary of the said board of drainage commissioners.

Service of summons and complaint.

Service of the summons and complaint in such action shall be made in the manner prescribed by the Code of Civil Procedure when the defendant can be found within the county where the action is commenced; but if the defendant can not be found within the county, or if no person is named as a defendant other than by fictitious names, or, if any person shall be sued by a fictitious name, the summons may be served on such person by posting a copy of the summons at the courthouse door, and publishing the same once a week for four successive weeks in a newspaper published in the county, and such posting and publication is equivalent to personal service on all persons having or claiming any interest, right or title in the lands assessed, whether named as a party in such action or not. The summons must contain a description of the property. Proof of such posting and publication must be made by a certificate of the sheriff or the affidavit of the person making the service. In case the service be made by posting and publication, the defendant, or any person claiming any interest in the land assessed, may appear and answer the complaint within thirty days after the expiration of the four weeks of posting and publication. Assessments on several tracts may be included in the same action if listed to the same person. In all actions for the collection of delinquent installments or delinquent assessments, if the decision shall be in favor of plaintiff the court shall make a decree directing that each tract of land be sold on execution or decree to satisfy the amount of the installment or assessment on such tract, together with the interest, costs and accruing costs. The sale shall be made by the sheriff of the county or by a commissioner appointed by the court for such purpose, in the same manner as sales upon foreclosures of mortgages on real property. If the suit is for the recovery of one or more installments, less than the whole assessment, the sale shall be made subject to subsequent installments, but all sums received shall be applied to the payment of said assessment, and the excess, if any, must be paid to the owner of the lands.

Summons to be by publication, when.

Summons must contain.

Decree of court.

Land sold on execution.

Sale, by whom made.

Moneys collected, where deposited.

How paid out.

In case there is no money in fund, warrants to bear interest.

All moneys collected upon the sale shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other moneys collected by the treasurer on such assessment, shall be deposited in the state treasury to the credit of said drainage district, and shall be paid out upon warrants of the state controller, and the controller is hereby directed to issue warrants upon said funds whenever warrants of the board of drainage commissioners shall be presented to him, without the approval of the state board of examiners, and the state treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said drainage district. In case there are not sufficient funds for such purpose, the state treasurer shall indorse on such warrants the date of presentation



and register the same, and thereafter such warrants shall bear interest at the rate of seven per cent per annum, and must be paid in the order of their registration.

The owner of any land that has been sold in pursuance of the provisions of this section may redeem the same at any time within six months after such sale by paying to the purchaser the sum bid for the land, and such other sums as may have been paid by such purchaser for assessments or taxes upon such land, together with interest on such sums at the rate of ten per cent per annum.

SEC. 10. The board of river control shall consist of two members appointed by the governor of the State of California, one of whom shall be the president of the board of drainage commissioners of said drainage district, and the other shall be a competent civil engineer.

SEC. 11. Within six months after the organization of the board of drainage commissioners they shall appoint a committee of three persons to act in conjunction with a similar committee appointed by the governor of the State of California, to determine the proportion to be borne by said district and the state respectively, of the cost of constructing and completing the works recommended in the report of T. G. Dabney, H. B. Richardson, H. M. Chittenden, and M. A. Nurse, engineers appointed by the commissioner of public works of the State of California, which said report of said engineers was filed with the commissioner of public works of the State of California on the fifteenth day of December, 1904; or such supplemental, amended, or other plan as shall be approved by the state board of examiners. When said cost has been apportioned and approved by the board of drainage commissioners, they shall appoint three assessors, as in section 8 of this act provided. Said assessors shall immediately proceed to assess upon the lands within said drainage district the said sum so apportioned to said district as its proportion of the cost of said works, as a charge upon the lands within said district. Separate lists shall be made by said assessors for such assessment, and the same shall be a lien upon the lands so assessed, and in all respects the same proceedings shall be had in the levying, equalizing and collecting of said assessment as is provided in sections 8 and 9 of this act for levying and collecting other assessments, and the provisions of sections 8 and 9 hereof are hereby made applicable to the assessments to be levied under this section, so far as the same are not in conflict with this section, excepting that the payment of said assessments levied under the provisions of this section shall be directed by the board of river control in such amounts as from time to time may be necessary for the purposes of prosecuting said work.

*Provided, however,* that no part of said assessment in this section provided shall be called in or collected until the State of California and the government of the United States, or one of them, shall have made an appropriation, or other legal

Redemption of land sold for assessment.

Board of river control, appointment. Qualifications.

Appointment of joint committee.

Appointment of assessors.

Levy and collection of assessment on lands.

Assessment, when to be paid.

provision, for the payment of the balance of the sum to be expended jointly with said district in performing the work according to the plans recommended by the said report of said engineers, or such supplemental, amended or other plan, as may be approved by the state board of examiners.

Assessment void, when.

In case the payment of said sum by the State of California, or the government of the United States, shall not be provided for within five years from the time said assessment shall have been levied, said assessments upon said lands shall become void, and the lien thereof upon the said lands shall expire.

Apportionment of assessment.

The said assessments may be apportioned upon the said lands at the same time as, and by the same assessors appointed to levy, an assessment under the provisions of sections 8 and 9 of this act, and such assessments shall be apportioned according to the benefits that will accrue by the expenditure of said money and the construction of said works.

Money deposited to credit of river improvement fund.

Said assessments shall be paid to the county treasurer of the county in which the lands are situated, and shall be by said county treasurer deposited in the state treasury to the credit of a fund hereby designated as the "River Improvement Fund."

Powers and duties of board of river control.

SEC. 12. The board of river control shall have supervision of all levees and canals intended to do duty in carrying flood water, and shall have such other powers and shall perform such other duties as may be prescribed by law. They may acquire from private owners, or from reclamation, swamp land, levee or protection districts, or corporations, by contract, purchase, condemnation or other lawful means, such rights of way, easements, property, and material as may be necessary for their said purposes, whether the same shall be situated within said district or not, and may prosecute any condemnation suit or proceeding in the name of the people of the State of California, and do and perform all other acts and things necessary or requisite for the full discharge of their duties.

Term of office.

The term of office of the members of the board of river control shall be four years from and after their appointment, and until their successors are qualified. Each member of said board shall receive a salary of six thousand dollars per annum from and after the commencement of the said work, which salary shall be paid out of the river improvement fund. They may employ a secretary, and such other persons as may be necessary, to advise and assist them in the performance of their duties. They shall keep an office at the city of Sacramento, and their records, books and papers shall be subject to inspection by any person interested.

Salary.

Secretary and other employes.

Office.

Board to consult and advise with whom.

SEC. 13. It shall be the duty of said board of river control to consult and advise with such board or officer as may be designated or appointed by the government of the United States, to devise and construct works for the improvement of the channels of the Sacramento and San Joaquin rivers and their tributaries, in accordance with the report of the engineers

mentioned in section 11 of this act, or such supplemental, amended or other plan as may be approved by the state board of examiners. It shall also be their duty to examine all plans and specifications which may be prepared or adopted for the construction of works for controlling flood waters and improvement of the channels of said rivers and their tributaries, and to submit a copy of all such plans and specifications to said state board of examiners for their examination and consideration. The state board of examiners shall thereupon proceed to examine and consider such plans and specifications, and may require the attendance, counsel and advice of said board of river control during the examination and consideration thereof.

Examination of plans.

State board of examiners, duty of

The state board of examiners shall keep a record of their deliberations and shall either approve or disapprove said plans and specifications by a majority vote of said board. If said plans and specifications shall be approved by the state board of examiners, the said board of river control shall thereupon report such action to said board or officer designated or appointed by the government of the United States. Whenever the government of the United States, or its agents or officers, shall have entered into any contract for the construction of such works, in pursuance of plans and specifications which have been approved by the state board of examiners, as in this act provided, it shall then be the duty of the said board of river control to carefully inspect such works during the process of their construction, and to keep a record of the result of such inspection, and to report the same monthly to the state board of examiners. Said board of river control shall also from time to time, during the progress of the construction of such work, when requested so to do by said board or officer designated or appointed by the government of the United States, draw warrants upon the state controller in favor of such person or persons as may be designated by the said board or officer of the United States government for such amount as shall equal the proportion of the cost of construction of such works, to be paid from the river improvement fund, as hereinbefore in this act provided.

Approval of plans by.

Contracts for construction entered into.

All expenditures made from the river improvement fund shall be subject to the approval of the state board of examiners, and the state controller is hereby authorized to draw his warrant upon said fund for all expenditures so approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

Expenditures approved by board of examiners.

SEC. 14. The boundaries of all reclamation districts, drainage districts, swamp land districts, levee districts, and protection districts, heretofore legally formed by any method, under any law, or at any time, shall continue to exist as at present formed, and until altered by the board of drainage commissioners, excepting that the boards of supervisors of the various counties shall continue to exercise jurisdiction under the provisions of the Political Code of the State of California,

Boundaries of districts already formed.

until the suspension of the powers of the board of drainage commissioners under section 29 of this act, shall have been removed.

Reclamation, formation of district, when.

SEC. 15. Whenever the holders of title, or evidence of title representing one half or more of any body of lands within said drainage district shall desire to reclaim the same, they may file with the secretary of the board of drainage commissioners a petition setting forth that they desire to form a district for the reclamation of the same; a description of the lands by legal subdivisions, swamp land surveys, or other boundaries or references sufficient to identify the same; that the same are susceptible of one mode of reclamation; the county or counties in which they are situated; the number of acres in the proposed district and in each tract, with the names, (if known) of the owners thereof. The petition must be verified by the affidavit of one of the petitioners.

Hearing of petition.

SEC. 16. When said petition has been filed the board of drainage commissioners must fix a time for hearing the same, and said petition must be published for four weeks next preceding the hearing thereof in a newspaper published in the county or counties in which any of the lands, are situated, and an affidavit of such publication must be filed with the clerk of the board of drainage commissioners. On the hearing of the petition, the board of drainage commissioners may make an order forming said district, or if, in its opinion, any land has been improperly included in, or excepted from, the proposed district, it must reform the district in such respects in its order.

Order of drainage commissioners, forming new district

SEC. 17. If the reclamation of any lands within said drainage district will be promoted by the formation of a reclamation district, including lands situated in one or more reclamation, swamp land, levee, drainage or protection districts, as well as lands not embraced in any district, the board of drainage commissioners may make an order forming a new district in such manner and embracing such lands as in its judgment will best promote reclamation. Before making such order the board must direct the engineer of the board to examine said lands and report upon the necessity for forming such district. If the report of the engineer be favorable to the formation of such district, the board must fix a time and place for hearing objections to the formation of such a district and must publish a notice thereof for four weeks next preceding such hearing, in a newspaper published in each county in which any of the lands affected are situated. The notice must contain a description of the lands by legal subdivisions, swamp land surveys, or other boundaries or references sufficient to identify the same. On such hearing the board must hear such evidence as may be offered by any person interested in said lands, and in case said board shall determine that the formation of such district will promote the reclamation of the lands, it must make an order forming the same.

Report of engineer.

Notice of hearing report.

Hearing of report.

SEC. 18. The orders made under the provisions of sections 16 and 17 of this act, must be signed by the president and attested by the secretary of the board of drainage commissioners, and must contain a description of the lands embraced in the reclamation district formed under said sections, together with a certificate that said lands have been formed into a reclamation district. The order must then be recorded by the county recorder of each county in which any of the lands are situated, and a certified copy thereof forwarded to the register of the state land office. The register must give the district a number, and send its number to the secretary of the board of drainage commissioners, and to the recorder of each county in which any of the lands are situated, and such recorder must number the order upon the records. Thereafter the lands described in such order shall comprise a reclamation district, and said district shall have all the powers pertaining to other reclamation districts within said drainage district, notwithstanding that such lands may have been previously embraced in a reclamation district, swamp land district, levee district, drainage district, or protection district, created by, or under, any law of the State of California; it being the intention of this act to provide a uniform system for promoting the reclamation of all lands within said drainage district.

Orders, how signed.

Order recorded. Certified copy of Duty of register of state land office.

SEC. 19. The boards of trustees of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento drainage district must submit all original and supplemental plans of reclamation for their respective districts, together with estimates of cost, to the board of drainage commissioners, and said board of drainage commissioners shall have power to amend or modify the same in any manner which in its opinion, will best promote the purposes of reclamation. When such plans and estimates have been fully approved by the board of drainage commissioners, it shall appoint commissioners of assessment as provided in section 3456 of the Political Code, who must perform the duties of commissioners as prescribed in sections 3456, 3459, 3460, 3461 and 3462 of the Political Code of the State of California.

Board of trustees of reclamation districts, duties of.

SEC. 20. The powers and duties of boards of supervisors under the provisions of Article II of Chapter I of Part VIII of the Political Code of the State of California are hereby conferred upon and are hereby made the powers and duties of the board of drainage commissioners of said drainage district relating to all matters within the boundaries of said drainage district as fully as though such provisions were incorporated in this act, and all powers and duties to be exercised or performed by boards of supervisors under the said provisions of the Political Code, shall be exercised and performed by said board of drainage commissioners, excepting where such provisions are inconsistent with the provisions of this act.

Powers and duties conferred upon drainage commissioners.

Powers and duties of officers of reclamation districts within drainage district.

SEC. 21. The trustees and officers of all reclamation, swamp land, drainage, levee and protection districts within

said Sacramento drainage district, and the owners of land therein, shall hereafter exercise such powers and perform such duties as are conferred and imposed upon the trustees, officers, and land owners within reclamation districts formed under the provisions of Article II of Chapter I of Part VIII of the Political Code of California, excepting so far as such provisions are inconsistent with the provisions of this act, and all such reclamation, swamp land, drainage, levee and protection districts within said drainage district, must, after the passage of this act, elect trustees, adopt by-laws, issue warrants, and manage the affairs of such districts in the manner directed by the said provisions of the Political Code and the provisions of this act, so that a uniform system may be followed in all districts within said Sacramento drainage district, whether such districts were formed under the provisions of the Political Code, or otherwise, and all provisions of this act relating to reclamation districts shall apply to any and all districts formed or created in any manner for the purpose of reclaiming swamp and overflowed lands.

Board of drainage commissioners to fill vacancies in trustees for reclamation district, when.

Drainage commissioners may adopt plan of reclamation, when.

SEC. 22. If the land owners in any reclamation or other district shall fail to elect trustees for such district, or if a vacancy occur in any board of trustees, the board of drainage commissioners may appoint such trustees, and in case any board of trustees shall fail to qualify, or to perform its duties in submitting a plan of reclamation for their district, or shall fail to prosecute the reclamation of the lands in pursuance of a plan of reclamation that has been adopted, the board of drainage commissioners may adopt a plan of reclamation for such district, and may cause the works of reclamation to be constructed and operated in pursuance of such plan, and may cause an assessment to be levied upon the lands in such district in the manner that other assessments are levied, and may collect and cause the same to be expended in the construction and maintenance of such works of reclamation, and for such purpose may exercise all the powers of a board of trustees for such district.

Approval of warrants of trustees of reclamation districts.

SEC. 23. All warrants issued by the trustees of any reclamation, or other district, must be presented to the board of supervisors of the county in which the district is situated for approval, and must be approved by said board if such warrants are a legal charge against the funds of such district, and such warrants must not be paid or registered by the county treasurer unless the same have been so approved and indorsed by the president of the board of supervisors. After such warrants shall have been registered, they must be paid by the county treasurer in the order in which they are registered.

Consolidation, etc., of reclamation districts.

SEC. 24. In all cases where the board of drainage commissioners shall consolidate, divide or change the boundaries of any reclamation, swamp land, levee, drainage or protection district, it may impose and provide such terms as may be just for the payment of any indebtedness of any such district,

and apportion the property and reclamation works of any district, and provide for payment to any such district of such sum as may be just for such of its works of reclamation as may be beneficial to other lands, and may cause assessments to be levied for such purposes.

SEC. 25. It shall be unlawful for any member or officer of said board of drainage commissioners, without the unanimous consent of the board of drainage commissioners, to have or own any interest or share, either directly or indirectly, in any contract made or let by said board for the construction or repair of any levee, or in any contract whatever for supplies or material used for levee purposes, or for any officer or member of said board to receive directly or indirectly for his own use and benefit any portion or share of the money or other thing paid for the construction or repair of such levees.

Commissioners not to be interested in contracts, etc.

SEC. 26. If any member of the board of drainage commissioners herein created, or any agent, or any other person intrusted with the care, custody or possession of any of the money, goods, rights in action, or other valuable security, effects, or property, of any kind or description, which shall have come or been intrusted into his or their care by virtue of his or their office, place or employment, shall conceal, secrete, retain for his own use, or appropriate the same to his own benefit or behoof, he or they shall be punished by imprisonment in the penitentiary not more than five years.

Appropriation of moneys, etc., for personal use, penalty for.

SEC. 27. Any person who shall cover up in or under any levee in the construction, enlargement, or repair thereof, any log, stump, or other material which, under the specifications of the contract under which the work is being done, should be removed or should not be used in the construction, or who shall procure any such act or thing to be done, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than one month nor more than six months, or by both such fine and imprisonment.

Certain materials not to be covered under levee in construction; penalty.

SEC. 28. Every board of trustees of any reclamation, swamp land, levee, drainage or protection district within said drainage district shall annually, in the month of January of each year, make and furnish to the board of drainage commissioners a complete statement in detail of the work done by such board of trustees during the preceding twelve months, and a detailed statement of the condition of the works of reclamation in such district, together with a statement of the expenditures made by such board of trustees during the preceding twelve months, showing the persons to whom all warrants were issued, together with the several amounts thereof, and the services performed by such persons.

Reclamation trustees to report to drainage commissioners.

SEC. 29. Until the State of California, and the government of the United States, or one of them, shall have made legal provisions for paying a sum, or sums, which, together with the amount of the assessment mentioned in section 11

Powers of drainage commissioners suspended until when

of this act, shall equal the entire estimated cost of river improvement specified in said section 11, the powers of the board of drainage commissioners conferred by this act shall be, and they are hereby suspended; excepting that said board of drainage commissioners may cause to be levied and collected an assessment under the provisions of sections 8 and 9 of this act, which said assessment shall not exceed the sum of \$50,000.00; and said board of drainage commissioners may also exercise the powers conferred by section 11 of this act, and such other powers as may be necessary to the exercise of the powers that are not hereby suspended. The powers of all boards of supervisors and trustees of reclamation, swamp land, drainage, levee and protection districts are hereby continued in force until the general powers of the drainage commissioners shall become fully effective under the provisions of this section.

Except.

Powers of reclamation trustees and supervisors, continued in force.

SEC. 30. All acts and parts of acts in conflict with this act are, for the purposes of this act, hereby repealed.

SEC. 31. This act shall take effect and be in force from and after its passage.

#### CHAPTER CCCLXIX.

*An act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the state; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Dairy products, sale of.

SECTION 1. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, expose for sale or offer for sale, or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, or any other buyer or consumer, any unclean, unwholesome, stale, impure milk, cream, butter, condensed or evaporated milk or other article produced from such milk or cream. Neither shall any person or persons, firms or corporations, by themselves or their agents or employes, sell, expose for sale, or offer for sale, or exchange, present or deliver to any consumer, creamery, cheese factory, milk condensing factory, or any other buyer or consumer, any milk, cream, butter, cheese, condensed milk or other products manufactured therefrom, which has been produced in or by a dairy, or factory of dairy

Sanitary condition of creamery, store, or depot.



products or that is, or has been handled in any store or depot that is in an unsanitary condition or that is produced from cows affected by any disease or from cows within five days after or fifteen days preceding parturition.

Cows affected by any disease.

SEC. 2. A dairy shall be deemed unsanitary under the meaning of this act when, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, and unhealthy,

Dairy deemed unsanitary, when.

(b) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(c) If the yards or enclosures are filthy or unsanitary or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise where it is allowed to ferment and decay.

If the walls become soiled with manure, urine or other filth.

(g) If to the interior of cattle stables, barns or milking sheds an application of lime whitewash is not made at least once in two years, or if in the mangers, or other receptacles from which cows are fed, decaying food or other material is allowed to accumulate.

(i) If the pails, cans, bottles or other containers of milk, or its products, strainers, coolers or other utensils coming in contact with the milk or its products are not sterilized by boiling water or superheated steam each and every time the same are used.

(j) If the person or wearing apparel of the dairyman, his employes, or other persons, who come in contact with milk and its products, are soiled or not washed from time to time.

SEC. 3. A creamery or any factory of dairy products or any store, depot or other place where milk is handled or kept for sale shall be deemed unsanitary under the meaning of this act when, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, stale or of low grade or inferior quality.

Creamery deemed unsanitary, when.

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or if it is received in cans or other containers that have not been sterilized by means of boiling water or superheated steam after each delivery.

(b) If the utensils and apparatus that comes in contact with milk or its products in process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam.

(c) If the floor is so constructed that permits the flowing or soaking of water, milk or other liquids underneath or among the interstices of such floor where fermentation and decay may take place or if such floor may not be readily kept free from dirt.

(d) If drains are not provided that will convey refuse milk, water and sewage at least fifty yards from such cream-

ery or factory of dairy products or if any cesspool, privy vault, hog yard, slaughter house, manure or any decaying vegetables or animal matter shall be within a distance that will permit foul odors from reaching any creamery or other factory of dairy products or store or depot where milk or its products is sold or handled.

(e) If such creamery or factory of dairy products, does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted or if upon the floor, the sides and walls any milk or its products, or if any other filth is allowed to accumulate and ferment and decay or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any creamery, or factory of any dairy products, shall be unclean and not washed from time to time.

Certain preparations not to be used.

SEC. 4. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, expose for sale, or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, ice cream producer, or any other buyer, or consumer, any milk, or any product manufactured or prepared therefrom, to which any compound containing salicylic acid, formaldehyde, coloring matter or any other chemical or preparation other than common salt, or sodium chloride, shall have been added with intent to prevent fermentation, or to change the color (in case of milk and cream); *provided*, that such person or persons, firms or corporations or their agents or employes may use preparations of boron to prevent fermentation in milk or its products, but whenever any preparation of boron is used for such purpose, each and every package or container of milk or its products shall have plainly marked thereon, the fact that it contains such preparation of boron.

Preparations of boron may be used.

Container of milk, etc., to be marked when boron is used.

Gelatine, etc., not to be used in milk or cream.

Except.

Not to apply to harmless coloring.

Packages of butter marked with the word pasteurize.

Neither shall any gelatine, or other substance, be added to milk or cream with intent to increase its viscosity or otherwise cause it to appear better in quality than it is, except each and every package and container of such milk or cream shall have marked thereon in a manner, or be accompanied by a statement, to be prescribed by the state dairy bureau, showing the nature of the substance added; *provided*, that this section shall not be construed to prevent the use of harmless coloring matter in butter, ice cream or confectionery into which milk or its products enter.

SEC. 5. No person or persons, firms or corporations, by themselves or their agents or employes, shall manufacture for sale, offer for sale, expose for sale, or have in his or their possession for sale, any package of butter upon which, or upon the wrapper or container of which, there shall be printed, or otherwise marked, the word pasteurize or any of

its derivatives unless in the process of the manufacture of the butter contained therein either the milk or cream from which the same was made shall have been exposed to a temperature exceeding one hundred and fifty degrees Fahrenheit.

SEC. 6. In case any butter is sold or offered for sale in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated; and if under a label purporting or calculated to designate the place of production, specifying county and state, must be correctly designated. No person, firm or corporation shall put up in package or wrapper or otherwise prepare for shipment or sale any butter under label purporting to designate the producer or place of production, except in accordance with the provisions herein; nor shall any person sell or offer for sale any butter in a package or wrapper purporting to designate the name of the producer or the place of production except in accordance with the provisions herein.

Designation of producer of butter to appear on wrapper.

SEC. 7. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to carry out and enforce the provisions of this act, and it is authorized and directed under this act out of the money appropriated as provided herein, to employ such assistant agents as inspectors as it may deem necessary and to fix their compensation not to exceed \$4.00 per day, exclusive of their necessary and actual expenses, such expenses to be itemized and rendered under oath, or \$100.00 per month exclusive of their necessary and actual expenses. Such agents shall have had experience in the manufacture of dairy products and the handling of dairy cattle. In carrying out the provisions of this act the secretary and agent of the state dairy bureau shall receive, in addition to the salary now received under the provisions of the act creating said state dairy bureau, such additional compensation as the dairy bureau may see fit, but not to exceed \$100.00 per month to be drawn from the amount appropriated herein. The state dairy bureau through its agent and secretary, and assistant agents shall inspect the dairies, dairy cattle, creameries and other factories of dairy products, markets and other places where dairy products are prepared or handled, and keep a careful record of such inspection and report the same to the state dairy bureau, and upon evidence obtained that any of the provisions of this act are being violated, the state dairy bureau, through its agent and secretary, or its assistant agents, shall duly enter complaint against the party or parties, responsible for such violations and cause the same to be prosecuted, except in cases where any dairy, creamery or other factory of milk products or store or depot where milk and its products are handled and sold, is found to be in an unsanitary condition, in which case the agent and secretary, or the assistant agent, for the district in which the violation occurred, shall serve upon the owner, or owners, or person in charge of

Dairy bureau, duty of.

Agents and inspectors.

Qualifications of agent.

Secretary and agent of bureau, additional compensation.

Inspection of dairies, etc

Unsanitary condition, duty of secretary or agent, when found.

the dairy, creamery or other factory of milk products so found to be in an unsanitary condition, a written notice specifying in detail such changes that are to be made that will place such dairy, creamery, or other factory of milk products or store or depot in a sanitary condition as defined in this act. Should such changes not have been made at the expiration of thirty days after the date when the notice was served, the state dairy bureau, through its agent and secretary, or its assistant agents, shall enter complaint against the person or persons responsible for such unsanitary conditions and cause them to be prosecuted for violating this act.

After thirty days' notice and changes not made, parties may be prosecuted.

Dairy bureau to compile statistics.

SEC. 8. The state dairy bureau is authorized under this act to gather and compile statistics relative to the dairy industry and to disseminate the same and other information useful to, and to the general good and development of, the dairy industry of the state.

Agent or inspector to report cases of infectious diseases to state veterinarian.

SEC. 9. Whenever any agent or inspector of the state dairy bureau shall discover the existence of any contagious or infectious disease among dairy cattle, or have good reason to believe that such disease may exist the same shall be immediately reported to the state veterinarian.

Violation of this act, penalty.

SEC. 10. Whoever shall violate any of the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars or by imprisonment in the county jail for a period of not less than ten days nor more than one hundred days, or by both such fine and imprisonment. Any person or persons who shall hinder or prevent an agent or inspector of the state dairy bureau, in the performance of his duty under this act, shall likewise be deemed guilty of a misdemeanor, and upon conviction, shall be fined as already provided in this act. One half of all fines imposed for the violation of this act shall be paid to the state dairy bureau which shall pay the same to the state treasurer and the same shall become a part of the appropriation under this act. The remaining one half of such fine shall be paid to the county in which the fine is imposed.

Interference with agent or inspector, punishment.

Disposition of fines.

SEC. 11. It shall be the duty of the district attorney, upon application of the state dairy bureau, through its agent and secretary, or assistant agents to attend to the prosecution, in the name of the people, of any suit brought for the violation of any of the provisions of this act within his district.

Duty of district attorney.

Appropriation.

SEC. 12. There is hereby appropriated for the use of the state dairy bureau in enforcing and carrying out the provisions of this act, out of any money in the state treasury not otherwise appropriated, the sum of one thousand five hundred dollars (\$1500) for the remainder of the fifty-sixth fiscal year; five thousand dollars (\$5000) for the fifty-seventh fiscal year and five thousand dollars (\$5000) for the fifty-eighth fiscal year. All salaries, fees, costs and expenses shall be drawn from the money so appropriated, and the state

controller shall draw his warrant on the state treasury in favor of the person or persons entitled to the same.

SEC. 13. An act approved March 22, 1899, entitled "An act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor," and all other acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect thirty days after its passage.

Repeal of former and inconsistent acts.

## CHAPTER CCCLXX.

*An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and seventy of the Code of Civil Procedure is hereby amended to read as follows:

170. No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

Disqualification of judicial officer to sit or act.

1. To which he is a party or in which he is interested;

2. When he is related to either party, or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law; *provided, however,* that if the parties to the action, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the receiver, or the commissioner, or the referee, or the attorney for a party in all special proceedings of a civil or criminal nature, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification herein, the judge or court may proceed with the trial or hearing with the same legal effect as if no such disqualification existed.

3. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for either party; or when he has given advice to either party upon any matter involved in the action or proceeding;

4. When it appears from the affidavit or affidavits on file that either party can not have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, said judge

shall forthwith secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding; *provided*, that in an action in the superior court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge, must be filed and served upon the adverse party or the attorney for such party at least one day before the day set for trial of such action or proceeding; *provided*, counter-affidavits may be filed at least one day thereafter, or such further time as the court may extend the time for filing such counter-affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had. But the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the order of business, nor the power of transferring the action or proceeding to some other court, or the hearing upon such affidavits and counter-affidavits.

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CHAPTER CCCLXXI.

*An act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Sale of renovated butter prohibited, unless.

SECTION 1. No person or persons, firms or corporations, by themselves or their agents or employés, shall sell, offer for sale or expose for sale or have in his or their possession for sale any renovated butter unless the same shall have printed upon each and every package, roll, print, square, or any container of such renovated butter the words "renovated butter" in letters not less than one-half inch in height, or who shall not have secured from the state dairy bureau, now existing under the laws of this state, a license as provided hereinafter.

Renovated butter defined.

SEC. 2. The term renovated butter as used in this act is hereby defined to mean and include butter that has been reduced to a liquid state by melting, and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product thereof.

License to manufacture or deal in renovated butter.

SEC. 3. Any person or persons, firms or corporations, desiring to manufacture or deal in renovated butter shall make application to the state dairy bureau for a license and

upon payment of a license fee of the amount mentioned herein, to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall expire December 31st of each year and may be issued in periods of one year or six months, upon payment of a proportionate part of the license fee. Manufacturers of renovated butter within this state shall pay an annual license fee of one thousand dollars; wholesale dealers shall pay an annual license fee of four hundred dollars; retail dealers shall pay an annual license fee of fifty dollars; hotels, restaurants, boarding houses and all other places where meals are served and payment is received therefor, either immediately or by the day, week or month, and which use or furnish renovated butter in connection with said meals, shall pay an annual license fee of ten dollars. The term wholesale dealers as used herein includes all persons, firms or corporations, who shall sell renovated butter in quantities of ten pounds or more. The term retail dealers includes all persons who sell in quantities of less than ten pounds. All licenses while in force shall be conspicuously displayed in the place of business of the party or parties to whom they have been issued. The state dairy bureau shall require all persons holding a manufacturer's or wholesaler's license, as provided in this act, to keep a record in a form separate from all other business in which every sale of renovated butter shall be recorded, giving the quantity sold, the name and location of the buyer and the place to which it was shipped. Such record shall be accessible at all times to duly authorized representatives of the state dairy bureau.

Expiration of license.

Amount of license paid annually.

Term wholesale dealer defined.

Term retail dealer defined.

Display of license.

Record of sales to be kept.

SEC. 4. All license fees paid to the state dairy bureau under this act shall be paid by said bureau into the state treasury, the same to be added to the appropriation made for the same fiscal year for the bureau and its expenditure shall be at the disposal of said bureau for its use.

Disposition of license fees.

SEC. 5. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty dollars nor more than one hundred dollars; or by imprisonment in the county jail for not less than ten days and not exceeding thirty days; and for each subsequent offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Violations of this act, punishment.

SEC. 6. It shall be the duty of the district attorney of each and every county in this state, upon application, to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his district. One half of all the fines imposed for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one half

Duty of district attorney.

Disposition of fines.

shall be paid to the state dairy bureau, and by said bureau to the state treasurer, and the same shall become a part of the appropriation made by law for the use of said state dairy bureau.

Repeal of former and inconsistent acts.

SEC. 7. An act which became a law under constitutional provision without the governor's approval, February 23, 1899, entitled "An act to prevent deception in the sale of process or renovated butter" and all other acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect thirty days after its passage.

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## CHAPTER CCCLXXII.

*An act to amend section 3821 of the Political Code of the State of California, relating to the collection of taxes.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand eight hundred and twenty-one of the Political Code of the State of California, is hereby amended so as to read as follows:

Taxes on personal property, collection made by seizure and sale.

3821. In the case provided for in the preceding section, at the time of making the assessment, or at any time before the first Monday of August following the assessment, the assessor may collect the taxes by seizure and sale of any personal property owned by the person against whom the tax is assessed, or if no personal property can be found, then the assessor may collect the taxes by seizure and sale of the right to the possession of, claim to or right to the possession of the land.

SEC. 2. This act shall take effect immediately.



## CHAPTER CCCLXXIII.

*An act to amend sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal sections 14 and 16 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state." (Approved March 11, 1897.)*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of the above entitled act is hereby amended so as to read as follows:

Section 2. Said property shall continue to be used as a home for aged and indigent United States ex-soldiers, sailors and marines. The home shall be a state home, under the exclusive management and control of the state, by a board

Veterans' Home, management of.

of seven directors, to be appointed by the governor as follows: The terms of each of the present members of said board shall expire on the first day of July, nineteen hundred and five, and seven persons shall be appointed as their successors, four of whom shall be appointed for a term and period of four years, and the other three for a term and period of two years; and thereafter, as the terms of each of the members shall expire, their successors shall be appointed for a term and period of four years. In case of a vacancy occurring in said board of directors for any cause, the governor shall appoint to fill such vacancy for the such unexpired term. *Provided*, that nothing in this act shall prevent the State of California, upon appropriate legislation, from turning the property and management of said home over to the government of the United States for its control and management as a home of similar character.

Term of present board.

Appointment of successors, and term.

Vacancies, how filled.

May be turned over to the United States.

SEC. 2. Section 3 of the said act is hereby amended so as to read as follows:

Section 3. Each member of the board of directors shall within thirty days after his appointment take and file with the secretary of state the following oath of office:

Oath of office of directors.

"I do solemnly swear, (or affirm as the case may be), that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of a member of the board of directors of the Veterans' Home of California, according to the best of my ability."

SEC. 3. Section 5 of said act is hereby amended so as to read as follows:

Organization of board of directors.	Section 5. The board of directors appointed for the term beginning July first, 1905, upon qualifying, shall meet and organize by electing one of its members as president and one of its members as vice-president of said board, each of whom shall hold office for the term of two years, and their successors shall be elected in like manner every two years thereafter. The term of office and service of all the present officers and employes of said home shall expire and their salaries shall cease, on the said first day of July, 1905. Said board of directors at its first meeting in July, 1905, shall elect a commandant, a secretary, a treasurer, a surgeon, an assistant surgeon, an adjutant, and a quartermaster and commissary, who shall reside at the home, none of whom shall be members of the said board of directors, each of whom shall hold office for the term of two years, from the first day of July, 1905, and their successors shall be elected in like manner every two years thereafter. All other employes of said home shall be appointed by the said board and their term of employment shall commence July first, 1905, to hold at the pleasure of the board. The board of directors shall have power to remove any officer elected by it, for cause, after a full and fair hearing before said board. All vacancies, whether occurring from death, resignation, or removal, shall be filled by said board of directors for the unexpired term. Before entering upon the discharge of their duties all the officers named above shall take the oath of office and each shall file with the board an undertaking in such an amount as the board may determine, and conditioned upon the faithful discharge of his duties. Said undertaking shall be signed and executed by two sufficient sureties to be approved by the said board, or may at the discretion of said board be the undertaking of some authorized surety company. The duties of all officers and employes appointed by the board shall be prescribed by the board, and the same may be changed from time to time by a majority vote of said board. The board shall fix the compensation of all its appointees and employes, and may change the same from time to time at its discretion.
Expiration of term of present officers and employes.	
Election of new officers and employes.	
Term of office.	
Removal of officers.	
Vacancies, how filled.	
Oath of office and bond.	
Approval of bond.	
Compensation of appointees and employes.	
Board to report annually to governor.	<p>SEC. 4. Section 7 of said act is hereby amended so as to read as follows:</p> <p>Section 7. The board shall make a report before the first day of January of each year to the governor, containing a statement of all receipts and expenditures, the condition of the home, and the number of members received and discharged during the year ending the thirtieth day of June preceding, and such other matters touching upon the management, conduct, and interests of the home as they may deem proper, or as may be required by the governor.</p> <p>The board shall also make such other reports, from time to time as the governor may require. All reports shall be verified by the oath of the president of the board, or in his</p>
Other reports.	

absence by the vice-president, and shall be certified by the secretary of the board.

SEC. 5. Section 10 of said act is hereby amended so as to read as follows:

Section 10. All moneys received by the directors, or by any officer of the home, (except such as may be paid to them by the state for disbursement), including pension moneys belonging to the pensioners in the home, and all other trust moneys, shall be immediately paid over to the treasurer of the board. Upon the first day of each month the treasurer of the board shall forward to the state treasurer all moneys then in his possession as treasurer, except pension moneys, and other trust funds, the post fund, and the moneys hereinafter referred to as subject to their direct disbursement and designated as the "Emergency Fund," together with a statement of the source from which the same has been received. Said moneys shall be immediately deposited by the state treasurer to the credit of the fund hereinbefore designated as the "Fund for the Support and Maintenance of the Veterans' Home of California." Any balance of pension money held by the board, or under its authority, upon the death of the pensioner, shall be held as a trust to be paid by the board, directly and without probate, or by its order, to his widow, minor children or dependent mother or father, in the order named; and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the home, to be used for the common benefit of the members of the home under the direction of the board, subject to future reclamation by the relatives hereinbefore designated in the order named, upon application filed by the one entitled to the same within five years after the pensioner's death. The board may make proper rules to carry this into effect. *Provided, however,* that nothing in this act shall in any way conflict with the right of any member of the home to dispose of his property, including such pension money, by last will.

Disposition of moneys received.

Emergency fund.

Fund for support.

Balance of pension held in trust.

Rules.

SEC. 6. Section 11 of said act is hereby amended so as to read as follows:

Section 11. All supplies, except those not of a general character, and not exceeding in value the sum of five thousand dollars in any one year, shall be furnished said home on contract, let to the lowest responsible bidder; notice to bidders shall be published for a period of two weeks in a newspaper of general circulation, published in each of the following cities, to wit: Napa and San Francisco. Such notice shall state that the board will receive bids for the needed supplies, setting forth the kind, quality and quantity of each article required, and that the same must be delivered at the railroad station at Yountville, Napa county, free of charge, at such time and in such quantity as the board may, from time to time, direct. The notice must also state with

Supplies furnished on contract.

Notice to bidders to be published.

Notice shall state, what.

whom the bids are to be filed, the time and hour when, and the place where the bids will be opened, and the contracts awarded. At the time and place appointed, the board shall proceed to open all bids and shall award the contract to the lowest bidder in each line of supplies called for; *provided, however,* the board may reject any bid which does not conform to the requirements of the published notice, and if, in their judgment, all bids for any line of supplies are unsatisfactory, they may reject all such bids and re-advertise as in the first instance; *and provided further,* that the board may in the meantime and until a contract or contracts can be let, purchase in the open market the necessary butter, eggs and vegetables for the table of the home, if any contract or contracts for such supplies has or have been rejected. Bids shall be called for and contracts let in the month of June of each year or as near that time as practicable, and no contracts shall be entered into for a longer period than one year, beginning at the time of awarding said bids. Before entering into a contract with any successful bidder, the board shall require an undertaking from such bidder, payable to the State of California, in such sum as they may deem sufficient to secure the faithful performance of the contract. Such bonds shall be approved by the board. For the purchase of supplies, not of a general character, the making of necessary and emergency repairs, the construction of minor improvements, and for the defraying of incidental expenses the board shall have the power to expend each year a sum not to exceed in the aggregate five thousand (5,000) dollars without first submitting said items to the approval of the board of examiners, and the controller is hereby authorized and directed to issue his warrants from time to time, drawn in favor of the treasurer of the board, and payable out of the fund herein referred to for such expenses upon a requisition therefor, signed by the president and secretary of the board. Such warrants shall not exceed, however, in any one year the sum of five thousand dollars. At the end of every three months the board shall file with the board of examiners a detailed statement, showing the expenditure, by items, of all sums of money so used. The treasurer of the board, upon receiving any moneys from the state treasurer under the foregoing provision, shall enter the same in his books in an account to be designated "Emergency Fund," and he shall pay the same out only upon drafts signed by the president and the secretary of the board.

SEC. 7. Section 12 of said act is hereby amended so as to read as follows:

Section 12. No person shall be admitted to reside in said home with the exception of the families of officers and employés, who is not an honorably discharged United States soldier, sailor, or marine, and who has not been a bona fide resident of the State of California for a period of six months immediately preceding his application, except as is provided

Time of opening bids.

Rejection of bids.

Purchase in open market, pending contract

When bids are to be called for.

Bond of contractor.

Purchase of supplies not of a general character.

Approval by state board of examiners

Report to state board of examiners.

Who shall be admitted to reside in home.

in section 16 of this act. The board may make such additional rules governing the admission of applicants, and may prescribe the conditions precedent upon which they may enter, and the conditions upon which they may remain, as in its judgment may be deemed just and proper and for the best interests of the home.

Rules governing admission.

SEC. 8. Section 13 of said act is hereby amended so as to read as follows:

Section 13. Each director and officer of the board shall receive his actual and necessary traveling expenses in attending all the meetings of the board, and in traveling on business authorized by the board; such traveling expenses to be paid out of any moneys appropriated for the support of the home. The board of directors may maintain an office in the city of San Francisco at an expense for clerical service and expenses of every character, including rent, light, fuel, telephone, and janitor, not to exceed the sum of fifteen hundred dollars per annum.

Board to receive traveling expenses.

Office of board.

SEC. 9. Sections 14 and 16 of said act is hereby repealed.

#### CHAPTER CCCLXXIV.

*An act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code of the State of California, numbered 1177, to read as follows:

1177. If the bill of exceptions proposed does not substantially conform to the requirements of section 1175 of this code, the judge before whom the cause was tried may cause the same to be amended so as to conform to said section, or the adverse party may, within ten days after the receipt of such proposed bill, serve and file amendments thereto; the amendments herein provided for shall be thereafter settled by the judge upon a day to be fixed by him, not more than ten days after the service and filing of such proposed amendments; after said bill of exceptions shall have been settled as herein provided for, the judge may fix a time within which the same shall be engrossed by the party presenting the same and when so engrossed and signed by the judge, the same shall constitute the engrossed and final bill of exceptions in the action or proceeding.

Bills of exceptions in criminal actions, amendment of.

Settled, and time fixed for engrossment.

## CHAPTER CCCLXXV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto to be numbered 66a, relating in the amendment to the boards of supervisors of the several counties of the state and making it their duty to furnish the secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. An act to establish a uniform system of county and township governments; approved April 1, 1897, is hereby amended by adding a new section thereto, to be numbered 66a, and to read as follows:

Supervis-  
ors to  
furnish  
statistics  
to State  
Agricul-  
tural  
Society.

Section 66a. It shall be the duty of the board of supervisors of each county, on or before the first day of November of each year, to supply the secretary of the State Agricultural Society upon blanks to be furnished by him for that purpose, statistics showing the products grown, produced or manufactured in said county, for the year preceding, and the expense thereof shall be a county charge, to be paid as other county charges against the county.

SEC. 2. This act shall take effect immediately from and after its passage.

## CHAPTER CCCLXXVI.

*An act to amend section 1476 of the Penal Code relating to writs of habeas corpus.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1476 of the Penal Code is hereby amended so as to read as follows:

Writ of  
habeas  
corpus  
to issue  
without  
delay.

Admitted  
to bail  
pending  
determina-  
tion.

1476. Any court or judge authorized to grant the writ, to whom a petition therefor is presented, must, if it appear that the writ ought to issue, grant the same without delay; and if the person by or upon whose behalf the application for the writ is made be detained upon a criminal charge, may admit him to bail, if the offense is bailable, pending the determination of the proceeding.

## CHAPTER CCCLXXVII.

*An act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any receiver, assignee, trustee, guardian, administrator or executor required by law or by the order of court to give a bond as such, shall be allowed as part of the lawful expense of executing his trust, the sum paid for such bond, not exceeding, however, one half ( $\frac{1}{2}$ ) of one (1) per cent of the amount of such bond, for each year that the same shall remain in force.

Bond of receiver, etc., expense against trust estate.

## CHAPTER CCCLXXVIII.

*An act to amend section 162 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 19, 1903.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 162 of an act entitled "An act to establish a uniform system of county and township government," approved April 1st, 1897, and amended March 19, 1903, is hereby amended to read as follows:

County government.

Section 162. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of officers of Sacramento county (5th class).

1. The county clerk, three thousand dollars per annum. He shall appoint one chief deputy, at a salary of eighteen hundred dollars per annum; two additional deputies at a salary of twelve hundred dollars each per annum, and three courtroom clerks at a salary of one thousand five hundred dollars each per annum, and a deputy or deputies not to exceed five for the purpose of registering electors, to be paid not to exceed four dollars per diem each, *provided* that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of

County clerk.

Deputies.

Courtroom clerks.

Registration clerks.

June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of the city of Sacramento in said county, who shall be paid fifteen cents per name for each person legally registered by them. The salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

Sheriff.

2. The sheriff shall receive three thousand six hundred dollars per annum salary. The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of this county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. The sheriff shall have one undersheriff at a salary of one thousand five hundred dollars per annum, two jailers at a salary of twelve hundred dollars per annum each, and three court bailiffs, or deputies, at a salary of twelve hundred dollars per annum each. All deputies herein mentioned shall be appointed by the sheriff, and paid at the same time and manner that their principal is paid.

Under-sheriff

Jailers.

Bailiffs or deputies.

Recorder.

Chief deputy.

Mortgage clerk.

Copyists.

3. The recorder, three thousand dollars per annum. The recorder may appoint one chief deputy at a salary of fifteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of twelve hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed three, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum. The salaries and compensation of all deputies and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

Deputy.

Assistants.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and is, hereby allowed to the auditor one deputy, who shall be appointed by the auditor of said county and whose salary is hereby fixed at fifteen hundred dollars per annum, and such additional assistants as the auditor may require, and whose compensation shall not exceed the sum of five hundred dollars per annum, in the aggregate, for all assistants so employed, *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such additional assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly install-



ments, at the same time, and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, three thousand four hundred dollars per annum. Treasurer.

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that he shall have such assistants as he may require, whose compensation, which shall be paid by the county, shall not exceed the sum of five hundred dollars per annum in the aggregate. Tax collector. Assistants.

7. The license collector, one thousand eight hundred dollars per annum. License collector.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is, hereby allowed to the assessor, the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows:—One chief deputy assessor, at eighteen hundred dollars per annum; one office deputy assessor, at fifteen hundred dollars per annum; one mortgage and transfer deputy assessor, at nine hundred dollars per annum; four field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; eight field deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars per month each; and such additional assistance as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries of the chief deputy assessor, office deputy assessor, mortgage and transfer deputy assessor and field deputy assessors herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It is hereby *further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll-taxes or road poll-taxes. Assessor. Chief deputy. Two deputies. Field deputies. Assistants. No fees.

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class, the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officials are paid. In counties of this class the district attorney may appoint a deputy district attorney, which office is hereby created, who shall receive as compensation for his services the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly District attorney. Assistant. Deputy

installments in the same manner, and at the same time other county officials are paid. In counties of this class, the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his services the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any of such reporters should refuse or be unable to attend, may employ a stenographer for that purpose at the same compensation allowed to stenographers of the superior court of the county, such amount to be deducted from the salary of the official reporter in default.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the manner as other claims against the county are allowed. The compensation of members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

Clerk.

Coroner;  
fees.Chemist  
employed,  
when.Physician  
employed,  
when.Public ad-  
ministra-  
tor; fees.Superin-  
tendent of  
schools.

Assistant.

Board of  
education.

Secretary.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books. Surveyor.

14. Justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each in lieu of all fees in criminal cases; the salary of the justices of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid. Justices of the peace.

15. Constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each, in lieu of all fees in criminal cases; *provided, however*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases, *provided however* that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in townships in which a state penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid. Constables.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month. Supervisors.

17. From and after the first Monday in January, nineteen hundred and three, the offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors. Offices of recorder and auditor separate.

18. For attending as a juror in the superior court, for each day's attendance, per day, three dollars. For each mile Jurors.

actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

### CHAPTER CCCLXXIX.

*An act to amend an act entitled, "An act to amend an act entitled, 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending section 22 thereof in relation to the fees, salaries and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section 22 of an act entitled, an act to amend an act entitled, an act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, approved March 23, 1901, is hereby amended to read as follows:

Section 22. Section 175 of an act entitled, "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby made to read as follows:

Salaries of  
officers of  
Tulare  
county  
(18th class).

Section 175. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

County  
clerk.  
Sheriff.

1. The county clerk, four thousand dollars per annum.
2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

Recorder.

3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

Auditor.  
Treasurer.  
Tax  
collector.

4. The auditor, three thousand dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, three thousand six hundred dollars per annum; *provided*, that as such tax collector or as ex-officio license collector he shall not have or receive any compensation for or percentage upon the collection of any license.

7. The assessor, five thousand dollars per annum. Assessor.
8. The district attorney, four thousand dollars per annum. District attorney.
9. The coroner, such fees as are now, or may be hereafter allowed by law. Coroner; fees
10. The public administrator, such fees as are now, or may be hereafter allowed by law. Public administrator; fees.
11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of one thousand two hundred dollars per annum. Superintendent of schools.
12. The surveyor, such fees as are now, or may hereafter be allowed by law. Surveyor; fees.
13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: Justices of the peace
- In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.
- In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.
- In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.
- In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.
14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: Constables.
- In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter

allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

Traveling expenses of constables.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

Duty of justices and constables.

15. It shall be the duty of each and every constable and justice of the peace to file, on or before the first Monday of each and every month, a full and complete statement, showing all business both civil and criminal done during the preceding month with the board of supervisors, and shall file same on or before said date above mentioned with the clerk of said board. The statement of the constables shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Population of townships determined.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

17. The provisions of section one hundred and seventy-five shall be in force from and after the passage of this act.

Supervisors.

18. Each supervisor, \$1,000.00 per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so

allowed him for such expenses shall not exceed \$40.00 for any one month.

19. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class. No fees.

CHAPTER CCCLXXX.

*An act to amend section twenty of an act entitled, "An act to amend an act entitled, 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class and providing for the compensation of such officers and their deputies.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 20 of an act entitled, "An act to amend an act entitled, 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows: County government.

Section 20. Section one hundred and seventy-three (173) of an act entitled "An act to establish a uniform system of county and township governments" approved April first, eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Section 173. In counties of the sixteenth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries of officers of Monterey county (16th class).

1. The county clerk, three thousand dollars per annum. County clerk.

2. The sheriff, thirty-five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county. Sheriff.

3. The recorder, twenty-nine hundred dollars per annum. Recorder.

4. The auditor, twenty-four hundred dollars per annum. Auditor.

5. The treasurer, eighteen hundred dollars per annum. Treasurer.

6. The tax collector, fifteen hundred dollars per annum. Tax collector.

7. The assessor, four thousand dollars per annum. Assessor.

8. The district attorney, eighteen hundred dollars per annum; *provided*, that he shall have power to appoint one assistant district attorney at a salary of one thousand dollars District attorney.

per annum, payable in the same manner as that of other county officers.

Coroner;  
fees.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public ad-  
ministra-  
tor; fees.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-  
tendent of  
schools.

11. The superintendent of schools, eighteen hundred per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.

Surveyor.

12. The surveyor shall receive one thousand three hundred dollars per annum for all work performed for the county and in addition thereto actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, be allowed only the actual cost of preparing the same.

Justices  
of the  
peace.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters:—In townships having a population of five thousand or more, sixty-five dollars per month; in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now, or may be hereafter allowed by law for all services performed by him in civil actions. There shall be one justice of the peace for each of said townships and no more.

Constables.

14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month; *provided*, that in addition to the salary herein allowed, each



constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case or other criminal matter (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, ten cents a mile each way. In addition to the monthly salary allowed him herein each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

Fees in  
civil cases.

15. The supervisors, each the sum of five dollars per day for actual service, (but not to exceed six hundred dollars per annum), and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum, in the performance of duties as road commissioner, together with mileage at the rate of twenty cents per mile, in going only, from place of residence to the county seat, at each session of the board.

Supervis-  
ors.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained and determined by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

Popula-  
tion of  
townships,  
how deter-  
mined.

To take effect January 1st, 1907.

## CHAPTER CCCLXXXI.

*An act to amend section three hundred and forty-five of the Code of Civil Procedure, relating to limitations of actions by the state for money due for the keeping of patients in the state hospitals.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and forty-five of the Code of Civil Procedure is hereby amended to read as follows:

345. The limitations prescribed in this chapter apply to actions brought in the name of the state or for the benefit of the state, in the same manner as to actions by private parties, except that actions for the recovery of money due on account of the presence of patients at the state hospitals may be commenced at any time within three years after the accrual of the same.

Actions  
brought by  
the state;  
statute of  
limitation.

## CHAPTER CCCLXXXII.

*An act to add a new section to the Political Code to be known and numbered as section 2236 and to amend section 2237 of the Political Code, all relating to the Deaf, Dumb and Blind Asylum at Berkeley.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section, to be numbered and known as section 2236, and to read as follows:

Deaf,  
Dumb and  
Blind  
Asylum,  
change of  
name.

2236. The Institution of the Deaf and Dumb and the Blind located at Berkeley in Alameda county and heretofore known as the Deaf, Dumb and Blind Asylum shall hereafter be named and known and designated as the "California Institution for the Deaf and the Blind."

SEC. 2. Section 2237 of the Political Code is hereby amended to read as follows:

Objects of.

2237. The Institution for the Deaf and the Blind, located at Berkeley, Alameda Co., is a part of the school system of the state, except that it shall derive no revenue from the public school fund, and has for its object the education of the deaf and the blind who, by reason of their infirmity, cannot be taught in the public schools. It shall be known and designated as the California Institution for the Deaf and the Blind.

## CHAPTER CCCLXXXIII.

*An act to amend section seventeen hundred and seventy-five of the Political Code, relating to the granting of certificates by county boards of education.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

County  
boards of  
education.  
High  
school cer-  
tificates,  
issued by.

1775. (1) County boards of education may, without examination, grant certificates as follows:

(a) High school certificates: (1) To the holders of credentials approved by the state board of education in accordance with subdivision two of section fifteen hundred and twenty-one of this code; (2) To the holders of special credentials issued by said state board, in accordance with said subdivision;

(3) To holders of high school certificates issued by any county, or city and county, board of education in this state; (4) To holders of normal school diplomas accompanied by documents from the faculty of the state university, provided for in subdivision five of section fifteen hundred and three of this code.

(b) Grammar school certificates: To the holders of the following credentials: (1) Life diplomas or certificates of any state; *provided*, the state board of education in this state shall have decided that said diplomas or certificates represent experience and scholarship equivalent to the requirements for the elementary life diploma in California; (2) California state normal school diplomas, San Francisco city normal school diplomas heretofore granted, and other normal school diplomas; *provided*, that the state board of education of this state shall have recommended the normal school issuing said diploma as being of equal rank with the state normal schools of California; (3) Diplomas from the University of California, or from any other university that shall be declared by the state board of education to be of equal rank with the University of California, when the holders have completed the prescribed course in the pedagogical department of the state university, or a pedagogical course that said state board shall declare to be equivalent to such prescribed course, and have been recommended by the faculty of the university issuing such diploma; (4) Grammar school or grammar grade certificates of any county, or city and county, of California.

Grammar school certificates, issued by.

(c) Kindergarten-primary certificates: (1) To the holders of kindergarten-primary certificates of any county, or city and county, of California; (2) To the holders of diplomas of graduation from the kindergarten department of any state normal school of this state; (3) To the holders of credentials, showing that the applicant has had professional kindergarten training in an institution approved by the state board of education, and also general education equivalent to the requirements for graduation from the kindergarten department of a California state normal school; (4) To the holders of special kindergarten certificates of any county or city and county of California granted prior to July 1, 1901; *provided* that the holders of such special kindergarten certificates have had at least two years' training in a kindergarten training school and have taught for a period of at least two years in a public kindergarten school in the county or city and county wherein such special kindergarten certificates were granted.

Kindergarten-primary certificates, issued by.

(2) Grammar school certificates may be granted to the holders of primary grade certificates who shall pass satisfactory examinations in such branches as do not appear on their certificates, or in the record of the examination upon which the original certificate was granted.

Grammar school certificates granted to holders of primary certificates, when.

(3) All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate issued by them prior to the adoption of this

Valid certificates continue in force.

law, and now in force, and may renew certificates granted by authority of this law. Renewed certificates shall be valid for a period equal to that for which they were originally granted.

Perma-  
nent cer-  
tificates,  
issued  
when.

(4) When the holder of any certificate or state diploma shall have taught successfully in the same county, or city and county, for five years, the board of education of such county, or city and county, may grant a permanent certificate of the kind and grade of the class in which said applicant has been teaching, valid in the county, or city and county, in which issued, during the life of the holder, or until revoked for any of the causes designated in subdivision four of section seventeen hundred and ninety-one of this code; *provided*, that such permanent certificate shall in no case be of a higher grade than the grade of the certificate or state diploma on which the teaching has been done; and for a permanent high school certificate twenty months of said teaching shall have consisted of regular high school work; and *provided further*, that a certificate when renewed the second time, or any time thereafter, shall become, by such renewal, a permanent certificate, if the holder of said certificate shall have complied with all of the conditions of this subdivision.

Perma-  
nent cer-  
tificate  
issued to  
holder of  
university  
diploma.

(5) Whenever any holder of a diploma from the state university, or from any other university that shall be declared by the state board of education to be of equal rank with the state university, shall present to said state board satisfactory evidence of having had two years' successful experience as a teacher, subsequent to graduation, accompanied by satisfactory evidence that such holder has completed the prescribed course in the pedagogical department of the University of California, or a pedagogical course equivalent thereto, the state board of education shall grant to the holder of said university diploma a document signed by the president and secretary of the state board, showing such fact, and said diploma, accompanied by said document of the state board attached thereto, shall become a permanent certificate of qualification to teach in any grammar or primary or high school in the state, valid until such time as the said document shall be revoked by said state board of education, for any of the causes shown in subdivision four of section seventeen hundred and ninety-one of this code.

Valid until  
revoked

## CHAPTER CCCLXXXIV.

*An act to repeal an act entitled "An act to add a new section to the Penal Code of the State of California to be known as section twenty-eight, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday." (Which became a law under constitutional provision without governor's approval March 9, 1903.)*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act to add a new section to the Penal Code of the State of California to be known as section twenty-eight, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday," is hereby repealed.

Discharge  
of prisoners  
on  
Monday.  
act  
repealed.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCLXXXV.

*An act to repeal Title VII of Part IV of Division First of the Civil Code and each and every section of such title, and to substitute a new Title VII to take the place thereof in said code, relating to telegraph and telephone corporations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Title VII of Part IV of Division First of the Civil Code and each and every section of such title are hereby repealed, and a new Title VII is substituted in place thereof in said code to read as follows:

## TITLE VII.

## TELEGRAPH AND TELEPHONE CORPORATIONS.

- Sec. 536. May use right of way along waters, roads, and highways.  
 Sec. 537. Liability for damaging telegraph or telephone property.  
 Sec. 538. Penalty for willfully or maliciously injuring telegraph or telephone property.  
 Sec. 539. Conditions on which damage to subaqueous cable may be recovered.  
 Sec. 540. May dispose of certain rights.

Telegraph and telephone corporations.

May use right of way.

Liability for damaging property of.

Malicious injury to property of.

Can not recover damages for injuring cable unless monument is placed at crossing.

May sell property, franchises, etc.

536. Telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within this state, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

537. Any person who injures or destroys, through want of proper care, any necessary or useful fixture of any telegraph or telephone corporation, is liable to the corporation for all damages sustained thereby. Any vessel which, by dragging its anchor, or otherwise, breaks, injures, or destroys the subaqueous cable of a telegraph or telephone corporation, subjects its owner to the damages hereinbefore specified.

538. Any person who willfully and maliciously does any injury to any telegraph or telephone property, mentioned in the preceding section, is liable to the corporation for one hundred times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

539. No telegraph or telephone corporation can recover damages for the breaking or injuring of any subaqueous telegraph or telephone cable, unless such corporation has previously erected on either bank of the waters under which the cable is placed, a monument, indicating the place where the cable lies, and publishes for one month in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings, and termini of the cable.

540. Any telegraph or telephone corporation may at any time, with the consent of the persons holding two thirds of the issued stock of the corporation, sell, lease, assign, transfer, or convey any rights, privileges, franchises, or property of the corporation, except its corporate franchise.

## CHAPTER CCCLXXXVI.

*An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No corporation heretofore or hereafter incorporated under the laws of this state, or any other state, shall do or attempt to do any business by virtue of its charter or certificate of incorporation, in this state, without a state license therefor.

Corporations, state license tax upon.

SEC. 2. Upon every corporation which has heretofore obtained, or which shall hereafter obtain a charter or certificate of incorporation from this state, or any foreign corporation heretofore or hereafter incorporated and doing business in this state, there shall be an annual license tax of ten dollars, to be paid between the first Monday in July and the first Monday in August of each year, to the secretary of state, who shall pay the same into the state treasury, to be paid into the general fund of the state.

Amount of tax, and when payable.

SEC. 3. Any corporation formed under the laws of this state which shall fail to pay the tax provided for in the last two sections, shall, because of such failure, forfeit its charter to the state, and any foreign corporation which shall fail to pay the tax provided for in the last two sections, shall, because of such failure forfeit the right to do business in this state.

Domestic corporations forfeit charters; foreign, right to do business, when.

SEC. 4. It shall be the duty of the secretary of state on the first Monday of October in each year to report to the governor a list of all the corporations which have failed, neglected or refused to pay the said license tax, and the governor shall forthwith issue his proclamation, declaring under this act of the legislature, that the charters of domestic corporations will be forfeited, and the right of foreign corporations to do business in this state will be forfeited unless payment of said license tax is made as above required within sixty days from date of said proclamation, together with a penalty of five dollars in addition thereto.

Secretary of state to report to governor. Duty of governor.

SEC. 5. Said proclamation on the day of its date shall be filed in the office of the secretary of state, and within five days thereafter said secretary of state shall transmit a certified copy of said proclamation to the county clerk of each county in this state, who shall file the same in his office. Said secretary of state shall also within five days from the date of said proclamation, cause a copy thereof to be published in one issue of two daily newspapers, to be selected by the governor.

Governor's proclamation filed with secretary of state. Duty of secretary of state. Publication of proclamation.

Charter,  
when for-  
feited by  
domestic  
corpora-  
tion.  
Right to do  
business,  
when for-  
feited by  
foreign  
corpora-  
tion.  
Exemp-  
tions.

SEC. 6. At the expiration of said sixty days from the date of said proclamation, the charters of all domestic corporations who have not complied with the provisions of this act and paid said tax, shall be forfeited to the State of California, and all foreign corporations who have not complied with the provisions of this act and paid said tax, shall forfeit the right to do business in this state.

SEC. 7. Nothing in this chapter shall be construed as imposing a license tax on educational, religious, scientific, charitable, or any corporation which is not organized for pecuniary profit.

List of cor-  
porations  
which  
have not  
paid  
license  
furnished  
each coun-  
ty clerk.

SEC. 8. Within six months after the date of said governor's proclamation, the secretary of state shall compile a statement of the domestic corporations whose charters have been so forfeited, and of the foreign corporations whose right to do business in this state has been forfeited, and he shall furnish a certified copy thereof to each county clerk in this state, who shall file the same in his office.

Exercise of  
power,  
after  
right is  
forfeited,  
penalty.

SEC. 9. Any person or persons who shall exercise any powers under the charter of any such corporation after the same shall become forfeited to the state, and any person or persons who shall exercise any powers of a foreign corporation which shall have forfeited its right to do business in this state, shall be guilty of a misdemeanor.

Appropri-  
ation.

SEC. 10. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-seven thousand (\$27,000) dollars, for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of a license superintendent and cashier; one permanent clerk; such other clerks from time to time as may be necessary; for the purchase of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding and materials furnished by the state printing office, and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-sixth, and during the fifty-seventh, and fifty-eighth, fiscal years, and the state controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the state board of examiners, and the treasurer is hereby directed to pay the same.

SEC. 11. This act shall take effect and be in force from and after its passage.



## CHAPTER CCCLXXXVII.

*An act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control and support to the government of the United States, its officers and authorities, to be conducted as a national home under such laws as now exist or which may hereafter be enacted by congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa county, to the government of the United States, for such purpose.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Upon the enactment of appropriate legislation by congress providing for the taking over of the property, real and personal, of the Veterans' Home of California, belonging to the State of California, situate in Napa county and described in that certain act entitled "An act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the state" approved March 11, 1897; and such other property and lands as the State of California, for said home, may have since acquired; and providing for the management, control, conduct and support thereof by the government of the United States as a national home; the board of directors of the Veterans' Home of California may, and it is hereby authorized to, convey all the property of said home, belonging to the State of California, both real and personal, to the government of the United States, or to its officers, and to transfer to the government of the United States, its officers, the conduct, control, management and support thereof.

SEC. 2. A deed, duly executed by the president of the board of directors of the Veterans' Home of California, thereunto duly authorized by said board, shall pass and vest title to said property in the government of the United States.

SEC. 3. Upon the assumption of the conduct, control, management and support of said home by the government of the United States, its officers, the terms of all the officers of said home, and the terms of employment of all its employés, shall expire, and their salaries and wages shall cease, except the terms of the board of directors, its president and vice-president, which shall continue for the period of six months thereafter and therefrom.

Veterans' Home, turning over and transferring of, to the United States.

Deed executed, and title to vest in United States.

Terms of present officers to expire, when.

Board of directors to report to governor.

Board to turn over moneys to state, except pension moneys.

Power of board.

SEC. 4. Before the terms of the members of the board of directors shall expire, as provided in section 3 of this act, the said board shall make its report to the governor of the State of California, in the manner provided for the annual report in that certain act heretofore in this act referred to; and shall turn over to the treasurer of the State of California all moneys belonging to said home, or to said state, except all moneys held by said board as pension moneys, which shall be returned to the respective pensioners who may be alive, and in case of their death, then to the officers or managers of the National Home, taking over the management of said home, to be distributed by them in accordance with the present laws, rules and regulations of said Veterans' Home of California.

SEC. 5. The board of directors of the Veterans' Home of California is hereby authorized and empowered to do and perform all acts which are or may be necessary in law or otherwise.

SEC. 6. This act shall take effect and be in force in thirty days after its passage.

#### CHAPTER CCCLXXXVIII.

*An act to amend section 1 of an act entitled "An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one." (Approved March 26, 1903.)*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of an act entitled "An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine,

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books. Surveyor.

14. Justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each in lieu of all fees in criminal cases; the salary of the justices of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid. Justices of the peace.

15. Constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each, in lieu of all fees in criminal cases; *provided, however*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases, *provided however* that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in townships in which a state penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid. Constables.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month. Supervisors.

17. From and after the first Monday in January, nineteen hundred and three, the offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors. Offices of recorder and auditor separate.

18. For attending as a juror in the superior court, for each day's attendance, per day, three dollars. For each mile Jurors.

actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

### CHAPTER CCCLXXIX.

*An act to amend an act entitled, "An act to amend an act entitled, 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending section 22 thereof in relation to the fees, salaries and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section 22 of an act entitled, an act to amend an act entitled, an act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, approved March 23, 1901, is hereby amended to read as follows:

Section 22. Section 175 of an act entitled, "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby made to read as follows:

Salaries of  
officers of  
Tulare  
county  
county  
(18th class).

Section 175. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

County  
clerk.  
Sheriff.

1. The county clerk, four thousand dollars per annum.  
2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

Recorder.

3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

Auditor.

4. The auditor, three thousand dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax  
collector.

6. The tax collector, three thousand six hundred dollars per annum; *provided*, that as such tax collector or as ex-officio license collector he shall not have or receive any compensation for or percentage upon the collection of any license.

- 7. The assessor, five thousand dollars per annum. Assessor.
- 8. The district attorney, four thousand dollars per annum. District attorney.
- 9. The coroner, such fees as are now, or may be hereafter allowed by law. Coroner; fees
- 10. The public administrator, such fees as are now, or may be hereafter allowed by law. Public administrator; fees.
- 11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of one thousand two hundred dollars per annum. Superintendent of schools.
- 12. The surveyor, such fees as are now, or may hereafter be allowed by law. Surveyor; fees.
- 13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: Justices of the peace

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

- 14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: Constables.

In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter

allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

Traveling expenses of constables.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

Duty of justices and constables.

15. It shall be the duty of each and every constable and justice of the peace to file, on or before the first Monday of each and every month, a full and complete statement, showing all business both civil and criminal done during the preceding month with the board of supervisors, and shall file same on or before said date above mentioned with the clerk of said board. The statement of the constables shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Population of townships determined.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

17. The provisions of section one hundred and seventy-five shall be in force from and after the passage of this act.

Supervisors.

18. Each supervisor, \$1,000.00 per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so

allowed him for such expenses shall not exceed \$40.00 for any one month.

19. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class. No fees

## CHAPTER CCCLXXX.

*An act to amend section twenty of an act entitled, "An act to amend an act entitled, 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class and providing for the compensation of such officers and their deputies.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 20 of an act entitled, "An act to amend an act entitled, 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows: County government.

Section 20. Section one hundred and seventy-three (173) of an act entitled "An act to establish a uniform system of county and township governments" approved April first, eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Section 173. In counties of the sixteenth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries of officers of Monterey county (16th class).

1. The county clerk, three thousand dollars per annum. County clerk.
2. The sheriff, thirty-five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county. Sheriff.
3. The recorder, twenty-nine hundred dollars per annum. Recorder.
4. The auditor, twenty-four hundred dollars per annum. Auditor.
5. The treasurer, eighteen hundred dollars per annum. Treasurer.
6. The tax collector, fifteen hundred dollars per annum. Tax collector.
7. The assessor, four thousand dollars per annum. Assessor.
8. The district attorney, eighteen hundred dollars per annum; *provided*, that he shall have power to appoint one assistant district attorney at a salary of one thousand dollars District attorney.

per annum, payable in the same manner as that of other county officers.

Coroner;  
fees.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public ad-  
ministra-  
tor; fees.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-  
tendent of  
schools.

11. The superintendent of schools, eighteen hundred per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.

Surveyor.

12. The surveyor shall receive one thousand three hundred dollars per annum for all work performed for the county and in addition thereto actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, be allowed only the actual cost of preparing the same.

Justices  
of the  
peace.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters:—In townships having a population of five thousand or more, sixty-five dollars per month; in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now, or may be hereafter allowed by law for all services performed by him in civil actions. There shall be one justice of the peace for each of said townships and no more.

Constables.

14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month; *provided*, that in addition to the salary herein allowed, each



constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case or other criminal matter (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, ten cents a mile each way. In addition to the monthly salary allowed him herein each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

15. The supervisors, each the sum of five dollars per day for actual service, (but not to exceed six hundred dollars per annum), and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum, in the performance of duties as road commissioner, together with mileage at the rate of twenty cents per mile, in going only, from place of residence to the county seat, at each session of the board.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained and determined by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election. To take effect January 1st, 1907.

CHAPTER CCCLXXXI.

*An act to amend section three hundred and forty-five of the Code of Civil Procedure, relating to limitations of actions by the state for money due for the keeping of patients in the state hospitals.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and forty-five of the Code of Civil Procedure is hereby amended to read as follows:

345. The limitations prescribed in this chapter apply to actions brought in the name of the state or for the benefit of the state, in the same manner as to actions by private parties, except that actions for the recovery of money due on account of the presence of patients at the state hospitals may be commenced at any time within three years after the accrual of the same.

## CHAPTER CCCLXXXII.

*An act to add a new section to the Political Code to be known and numbered as section 2236 and to amend section 2237 of the Political Code, all relating to the Deaf, Dumb and Blind Asylum at Berkeley.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section, to be numbered and known as section 2236, and to read as follows:

Deaf,  
Dumb and  
Blind  
Asylum,  
change of  
name.

2236. The Institution of the Deaf and Dumb and the Blind located at Berkeley in Alameda county and heretofore known as the Deaf, Dumb and Blind Asylum shall hereafter be named and known and designated as the "California Institution for the Deaf and the Blind."

SEC. 2. Section 2237 of the Political Code is hereby amended to read as follows:

Objects of.

2237. The Institution for the Deaf and the Blind, located at Berkeley, Alameda Co., is a part of the school system of the state, except that it shall derive no revenue from the public school fund, and has for its object the education of the deaf and the blind who, by reason of their infirmity, cannot be taught in the public schools. It shall be known and designated as the California Institution for the Deaf and the Blind.

## CHAPTER CCCLXXXIII.

*An act to amend section seventeen hundred and seventy-five of the Political Code, relating to the granting of certificates by county boards of education.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

County  
boards of  
education.  
High  
school cer-  
tificates,  
issued by.

1775. (1) County boards of education may, without examination, grant certificates as follows:

(a) High school certificates: (1) To the holders of credentials approved by the state board of education in accordance with subdivision two of section fifteen hundred and twenty-one of this code; (2) To the holders of special credentials issued by said state board, in accordance with said subdivision;

(3) To holders of high school certificates issued by any county, or city and county, board of education in this state; (4) To holders of normal school diplomas accompanied by documents from the faculty of the state university, provided for in subdivision five of section fifteen hundred and three of this code.

(b) Grammar school certificates: To the holders of the following credentials: (1) Life diplomas or certificates of any state; *provided*, the state board of education in this state shall have decided that said diplomas or certificates represent experience and scholarship equivalent to the requirements for the elementary life diploma in California; (2) California state normal school diplomas, San Francisco city normal school diplomas heretofore granted, and other normal school diplomas; *provided*, that the state board of education of this state shall have recommended the normal school issuing said diploma as being of equal rank with the state normal schools of California; (3) Diplomas from the University of California, or from any other university that shall be declared by the state board of education to be of equal rank with the University of California, when the holders have completed the prescribed course in the pedagogical department of the state university, or a pedagogical course that said state board shall declare to be equivalent to such prescribed course, and have been recommended by the faculty of the university issuing such diploma; (4) Grammar school or grammar grade certificates of any county, or city and county, of California.

Grammar school certificates, issued by.

(c) Kindergarten-primary certificates: (1) To the holders of kindergarten-primary certificates of any county, or city and county, of California; (2) To the holders of diplomas of graduation from the kindergarten department of any state normal school of this state; (3) To the holders of credentials, showing that the applicant has had professional kindergarten training in an institution approved by the state board of education, and also general education equivalent to the requirements for graduation from the kindergarten department of a California state normal school; (4) To the holders of special kindergarten certificates of any county or city and county of California granted prior to July 1, 1901; *provided* that the holders of such special kindergarten certificates have had at least two years' training in a kindergarten training school and have taught for a period of at least two years in a public kindergarten school in the county or city and county wherein such special kindergarten certificates were granted.

Kindergarten-primary certificates, issued by.

(2) Grammar school certificates may be granted to the holders of primary grade certificates who shall pass satisfactory examinations in such branches as do not appear on their certificates, or in the record of the examination upon which the original certificate was granted.

Grammar school certificates granted to holders of primary certificates, when.

(3) All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate issued by them prior to the adoption of this

Valid certificates continue in force.

law, and now in force, and may renew certificates granted by authority of this law. Renewed certificates shall be valid for a period equal to that for which they were originally granted.

Perma-  
nent cer-  
tificates,  
issued  
when.

(4) When the holder of any certificate or state diploma shall have taught successfully in the same county, or city and county, for five years, the board of education of such county, or city and county, may grant a permanent certificate of the kind and grade of the class in which said applicant has been teaching, valid in the county, or city and county, in which issued, during the life of the holder, or until revoked for any of the causes designated in subdivision four of section seventeen hundred and ninety-one of this code; *provided*, that such permanent certificate shall in no case be of a higher grade than the grade of the certificate or state diploma on which the teaching has been done; and for a permanent high school certificate twenty months of said teaching shall have consisted of regular high school work; *and provided further*, that a certificate when renewed the second time, or any time thereafter, shall become, by such renewal, a permanent certificate, if the holder of said certificate shall have complied with all of the conditions of this subdivision.

Perma-  
nent cer-  
tificate  
issued to  
holder of  
university  
diploma.

(5) Whenever any holder of a diploma from the state university, or from any other university that shall be declared by the state board of education to be of equal rank with the state university, shall present to said state board satisfactory evidence of having had two years' successful experience as a teacher, subsequent to graduation, accompanied by satisfactory evidence that such holder has completed the prescribed course in the pedagogical department of the University of California, or a pedagogical course equivalent thereto, the state board of education shall grant to the holder of said university diploma a document signed by the president and secretary of the state board, showing such fact, and said diploma, accompanied by said document of the state board attached thereto, shall become a permanent certificate of qualification to teach in any grammar or primary or high school in the state, valid until such time as the said document shall be revoked by said state board of education, for any of the causes shown in subdivision four of section seventeen hundred and ninety-one of this code.

Valid until  
revoked.

## CHAPTER CCCLXXXIV.

*An act to repeal an act entitled "An act to add a new section to the Penal Code of the State of California to be known as section twenty-eight, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday." (Which became a law under constitutional provision without governor's approval March 9, 1903.)*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act to add a new section to the Penal Code of the State of California to be known as section twenty-eight, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday," is hereby repealed.

Discharge  
of prison-  
ers on  
Monday.  
act  
repealed.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCLXXXV.

*An act to repeal Title VII of Part IV of Division First of the Civil Code and each and every section of such title, and to substitute a new Title VII to take the place thereof in said code, relating to telegraph and telephone corporations.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Title VII of Part IV of Division First of the Civil Code and each and every section of such title are hereby repealed, and a new Title VII is substituted in place thereof in said code to read as follows:

## TITLE VII.

## TELEGRAPH AND TELEPHONE CORPORATIONS.

Sec. 536. May use right of way along waters, roads, and highways.

Sec. 537. Liability for damaging telegraph or telephone property.

Sec. 538. Penalty for willfully or maliciously injuring telegraph or telephone property.

Sec. 539. Conditions on which damage to subaqueous cable may be recovered.

Sec. 540. May dispose of certain rights.

Telegraph and telephone corporations.

536. Telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within this state, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

May use right of way.

Liability for damaging property of.

537. Any person who injures or destroys, through want of proper care, any necessary or useful fixture of any telegraph or telephone corporation, is liable to the corporation for all damages sustained thereby. Any vessel which, by dragging its anchor, or otherwise, breaks, injures, or destroys the subaqueous cable of a telegraph or telephone corporation, subjects its owner to the damages hereinbefore specified.

Malicious injury to property of.

538. Any person who willfully and maliciously does any injury to any telegraph or telephone property, mentioned in the preceding section, is liable to the corporation for one hundred times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

Can not recover damages for injuring cable unless monument is placed at crossing.

539. No telegraph or telephone corporation can recover damages for the breaking or injuring of any subaqueous telegraph or telephone cable, unless such corporation has previously erected on either bank of the waters under which the cable is placed, a monument, indicating the place where the cable lies, and publishes for one month in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings, and termini of the cable.

May sell property, franchises, etc.

540. Any telegraph or telephone corporation may at any time, with the consent of the persons holding two thirds of the issued stock of the corporation, sell, lease, assign, transfer, or convey any rights, privileges, franchises, or property of the corporation, except its corporate franchise.

## CHAPTER CCCLXXXVI.

*An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No corporation heretofore or hereafter incorporated under the laws of this state, or any other state, shall do or attempt to do any business by virtue of its charter or certificate of incorporation, in this state, without a state license therefor.

Corporations, state license tax upon.

SEC. 2. Upon every corporation which has heretofore obtained, or which shall hereafter obtain a charter or certificate of incorporation from this state, or any foreign corporation heretofore or hereafter incorporated and doing business in this state, there shall be an annual license tax of ten dollars, to be paid between the first Monday in July and the first Monday in August of each year, to the secretary of state, who shall pay the same into the state treasury, to be paid into the general fund of the state.

Amount of tax, and when payable.

SEC. 3. Any corporation formed under the laws of this state which shall fail to pay the tax provided for in the last two sections, shall, because of such failure, forfeit its charter to the state, and any foreign corporation which shall fail to pay the tax provided for in the last two sections, shall, because of such failure forfeit the right to do business in this state.

Domestic corporations forfeit charters; foreign, right to do business, when.

SEC. 4. It shall be the duty of the secretary of state on the first Monday of October in each year to report to the governor a list of all the corporations which have failed, neglected or refused to pay the said license tax, and the governor shall forthwith issue his proclamation, declaring under this act of the legislature, that the charters of domestic corporations will be forfeited, and the right of foreign corporations to do business in this state will be forfeited unless payment of said license tax is made as above required within sixty days from date of said proclamation, together with a penalty of five dollars in addition thereto.

Secretary of state to report to governor.

Duty of governor.

SEC. 5. Said proclamation on the day of its date shall be filed in the office of the secretary of state, and within five days thereafter said secretary of state shall transmit a certified copy of said proclamation to the county clerk of each county in this state, who shall file the same in his office. Said secretary of state shall also within five days from the date of said proclamation, cause a copy thereof to be published in one issue of two daily newspapers, to be selected by the governor.

Governor's proclamation filed with secretary of state.

Duty of secretary of state.

Publication of proclamation.

Charter,  
when for-  
feited by  
domestic  
corpora-  
tion.  
Right to do  
business,  
when for-  
feited by  
foreign  
corpora-  
tion.  
Exemp-  
tions.

SEC. 6. At the expiration of said sixty days from the date of said proclamation, the charters of all domestic corporations who have not complied with the provisions of this act and paid said tax, shall be forfeited to the State of California, and all foreign corporations who have not complied with the provisions of this act and paid said tax, shall forfeit the right to do business in this state.

SEC. 7. Nothing in this chapter shall be construed as imposing a license tax on educational, religious, scientific, charitable, or any corporation which is not organized for pecuniary profit.

List of cor-  
porations  
which  
have not  
paid  
license  
furnished  
each coun-  
ty clerk.

SEC. 8. Within six months after the date of said governor's proclamation, the secretary of state shall compile a statement of the domestic corporations whose charters have been so forfeited, and of the foreign corporations whose right to do business in this state has been forfeited, and he shall furnish a certified copy thereof to each county clerk in this state, who shall file the same in his office.

Exercise of  
power,  
after  
right is  
forfeited,  
penalty.

SEC. 9. Any person or persons who shall exercise any powers under the charter of any such corporation after the same shall become forfeited to the state, and any person or persons who shall exercise any powers of a foreign corporation which shall have forfeited its right to do business in this state, shall be guilty of a misdemeanor.

Appropri-  
ation.

SEC. 10. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-seven thousand (\$27,000) dollars, for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of a license superintendent and cashier; one permanent clerk; such other clerks from time to time as may be necessary; for the purchase of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding and materials furnished by the state printing office, and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-sixth, and during the fifty-seventh, and fifty-eighth, fiscal years, and the state controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the state board of examiners, and the treasurer is hereby directed to pay the same.

SEC. 11. This act shall take effect and be in force from and after its passage.



## CHAPTER CCCLXXXVII.

*An act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control and support to the government of the United States, its officers and authorities, to be conducted as a national home under such laws as now exist or which may hereafter be enacted by congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa county, to the government of the United States, for such purpose.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Upon the enactment of appropriate legislation by congress providing for the taking over of the property, real and personal, of the Veterans' Home of California, belonging to the State of California, situate in Napa county and described in that certain act entitled "An act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the state" approved March 11, 1897; and such other property and lands as the State of California, for said home, may have since acquired; and providing for the management, control, conduct and support thereof by the government of the United States as a national home; the board of directors of the Veterans' Home of California may, and it is hereby authorized to, convey all the property of said home, belonging to the State of California, both real and personal, to the government of the United States, or to its officers, and to transfer to the government of the United States, its officers, the conduct, control, management and support thereof.

SEC. 2. A deed, duly executed by the president of the board of directors of the Veterans' Home of California, thereunto duly authorized by said board, shall pass and vest title to said property in the government of the United States.

SEC. 3. Upon the assumption of the conduct, control, management and support of said home by the government of the United States, its officers, the terms of all the officers of said home, and the terms of employment of all its employes, shall expire, and their salaries and wages shall cease, except the terms of the board of directors, its president and vice-president, which shall continue for the period of six months thereafter and therefrom.

Veterans' Home, turning over and transferring of, to the United States.

Deed executed, and title to vest in United States.

Terms of present officers to expire, when.

Board of directors to report to governor.

Board to turn over moneys to state, except pension moneys.

Power of board.

SEC. 4. Before the terms of the members of the board of directors shall expire, as provided in section 3 of this act, the said board shall make its report to the governor of the State of California, in the manner provided for the annual report in that certain act heretofore in this act referred to; and shall turn over to the treasurer of the State of California all moneys belonging to said home, or to said state, except all moneys held by said board as pension moneys, which shall be returned to the respective pensioners who may be alive, and in case of their death, then to the officers or managers of the National Home, taking over the management of said home, to be distributed by them in accordance with the present laws, rules and regulations of said Veterans' Home of California.

SEC. 5. The board of directors of the Veterans' Home of California is hereby authorized and empowered to do and perform all acts which are or may be necessary in law or otherwise.

SEC. 6. This act shall take effect and be in force in thirty days after its passage.

#### CHAPTER CCCLXXXVIII.

*An act to amend section 1 of an act entitled "An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one." (Approved March 26, 1903.)*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of an act entitled "An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine,

month. The salaries of the under sheriff, the matron, and all deputies and stenographers herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and twenty-five dollars each per month; four deputies, at a salary of one hundred dollars each per month; ten deputies, at a salary of ninety dollars each per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument and notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; two deputies, at a salary of one hundred and ten dollars each per month; four deputies, at a salary of one hundred dollars each per month; and forty clerks at a salary of ninety dollars each per month, for not to exceed one month each in any one year; and such additional assistants as the auditor may require, and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following

Salaries paid by county.

Recorder.  
Deputies.

Copyists.

Salaries paid by county.

Auditor.

Deputies, clerks, and assistants.

Salaries paid by county.

Treasurer.

Deputies. deputies, who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; and one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer.

Salaries paid by county.

Tax collector. 6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; one deputy who shall be chief report clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be report clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be cashier, at a salary of one hundred and fifteen dollars per month; one deputy who shall be the general clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be the correspondence clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be a license clerk, at a salary of one hundred dollars per month; and two deputies who shall be license inspectors, at a salary of ninety dollars each per month; five clerks, at a salary of ninety dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; one deputy who shall be sale and redemption clerk, at a salary of one hundred dollars per month; one stenographer, at a salary of seventy-five dollars per month; four clerks for a period not to exceed six months in any one year, at a salary of ninety dollars each per month; forty-five clerks for a period not to exceed four months in any one year, at a salary of ninety dollars each per month. There is also allowed not to exceed four hundred dollars for traveling expenses of said license tax collector each year. The salaries of the deputies, clerks and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector.

Deputies, clerks and stenographer.

Traveling expenses.

Salaries paid by county.

District attorney.

7. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies and employés, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, at a salary of two hundred dollars per month; one chief deputy, at a salary of one hundred and seventy-five dollars per month; six deputies,

Assistant, deputies, and employés.

at a salary of one hundred and fifty dollars each per month; two stenographers, at a salary of one hundred dollars each per month; one detective, at a salary of one hundred dollars per month, who shall assist the district attorney in the detection of crime and the prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said counties require it. The salaries of the assistants, deputies, stenographers, special counsel and detective herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney.

Detective.

Employment of special counsel.

Salaries paid by county.

8. The assessor, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographer and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; two deputies, at a salary of one hundred and fifteen dollars each per month; seven deputies, at a salary of ninety dollars each per month; thirty field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; thirty field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; eight field deputies for not exceeding four months in any one year, at a salary of one hundred dollars each per month; ten field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; nine deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; five copyists for not exceeding four months in any one year, at a salary of seventy-five dollars each per month; twenty-five copyists for not exceeding three months in any one year, at a salary of seventy-five dollars each per month; eight copyists for not exceeding seven months in any one year, at a salary of seventy-five dollars each per month; six deputies who shall be comparers for not to exceed two months in any one year, at a salary of ninety dollars each per month; two deputies who shall be photographers for not to exceed eight months in any one year, at a salary of one hundred dollars each per month; one stenographer, at a salary of seventy-five dollars per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies each year. The salaries of the deputies, stenographer, clerks and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. It is *further provided*, that in counties of this class, the assessor

Assessor.

Deputies, clerks, etc.

Salaries paid by county.

shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

Coroner.

Power to employ physician, etc.

Assistants.

Salaries paid by county.

Public administrator.

Clerk.

Superintendent of schools.

Assistants and deputies.

9. The coroner, three thousand dollars per year, and his actual necessary expenses in traveling outside of the county seat. He must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code, except that he may, in his discretion, dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner, in counties of this class, shall be and is hereby allowed the following assistants: One stenographer, at a salary of two hundred dollars per month, who shall, when directed by the coroner, take down in shorthand the testimony of witnesses at inquests, and under the direction of the coroner transcribe the same into longhand, and file a certified copy thereof with the county clerk, and the coroner may also appoint such stenographer as his deputy; one clerk, at a salary of one hundred dollars per month, who shall also act as messenger, and perform such other duties as the coroner may direct. The salaries of the stenographer and clerk herein provided shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the coroner.

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the public administrator one clerk, at a salary of one hundred dollars per month, and the salary of said clerk shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator.

11. The superintendent of schools, three thousand dollars per annum, which shall be in full for all services, including attendance upon the board of education, and actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class, there shall be and there hereby is allowed to the superintendent of schools, the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: One assistant who shall be chief deputy, at a salary of one hundred

and fifty dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; one deputy, at a salary of one hundred dollars per month; and one deputy at a salary of ninety dollars per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools.

Salaries  
paid by  
county.

12. The health officer, one thousand two hundred dollars per annum, and special health officers, when appointed as in this act provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salary of the health officer and special health officers shall be paid by the county in the same manner, and at the same time, as the salaries of other county officers are paid.

Health  
officer.

Special  
health  
officers.

Salaries  
paid by  
county.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

Board of  
education.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class, there shall be and there hereby is allowed to the surveyor one chief deputy, and ten deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; five draughtsmen, at a salary of one hundred and twenty-five dollars each per month; four draughtsmen, at a salary of one hundred dollars each per month; one draughtsman, at a salary of eighty dollars per month. The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner as the deputies of other county officers are paid.

Surveyor

Deputies

Salaries  
paid by  
county.

14. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate, seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization; and *provided further*, that there shall be

Supervis-  
ors.

Clerks.

and hereby is allowed to the board of supervisors the following clerks: One clerk, at a salary of ninety dollars per month; one clerk, at a salary of one hundred and ten dollars per month; one clerk at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities, at a salary of one hundred dollars per month; two clerks who shall be assistants to the superintendent of charities, at a salary of seventy-five dollars each per month; fourteen clerks for not exceeding thirty days in any one year, at a salary of four dollars each per day, to assist said board while sitting as a board of equalization; and in addition to the clerks hereinbefore provided for, in years when the general election is held within the state, there shall be and hereby is allowed to said board of supervisors fifteen clerks for not to exceed fifteen days in such years, at a compensation of four dollars each per day. Such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time and out of the same fund as other clerks of the county officers are paid; *and still further provided*, that from and after the first Monday after the first day of January in the year one thousand nine hundred and nine, supervisors in counties now of this class shall receive as compensation for the services required of them by law, a salary of two thousand four hundred dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization.

Salaries of  
supervis-  
ors after  
January 1,  
1909.

Justices of  
the peace.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit



the treasurer's receipt for said payment to said board, with the said report; *provided further*, that the boards of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's court; *and provided further*, that the boards of supervisors in said counties and in townships having more than thirty-five thousand inhabitants, shall, upon the recommendation of the township justice or justices, appoint a clerk for each of the justice's court, which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars per month each, payable in like manner, at like times, and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical service as may be required of them by the justice or justices.

Office furnished by supervisors.

Clerks.

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month, for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided further*, that the constable shall be allowed the actual fare and expenses incurred in transporting prisoners to the county jail; *and provided further*, that in counties of this class and in townships having more than thirty-five thousand inhabitants, there shall be, and there is hereby allowed to such constable, one deputy who shall be appointed by the constable, and shall receive a salary of seventy-five dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid by the county; said deputy shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be

Constables.

Traveling expenses

Deputy.

shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

SEC. 2. This act shall take effect and be in force from and after its passage.

#### CHAPTER CCCXCVIII.

*An act to amend an act entitled "An act to regulate and govern the state prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered seven and a half, relating to the release of prisoners confined in state prisons and the restoration of them to citizenship, either at the time of, or after, release.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the act entitled "An act to regulate and govern the state prisons of California," approved March 19, 1889, said section to be numbered and to read as follows:

State pris-  
ons, re-  
lease of  
prisoners  
from, and  
restora-  
tion to citi-  
zenship.

Section 7½. The governor, at the expiration of the term for which any prisoner has been sentenced, less the number of days allowed and credited to him, must order the release of such prisoner, by an order under his hand, addressed to the warden of the prison in which he has been confined, in such mode and form as he may deem proper, and with or without restoration to citizenship, according to his discretion, and if he order the release of such prisoner without restoration to citizenship, he may at any time thereafter, in his discretion, make a further order restoring to citizenship the prisoner so released.

SEC. 2. This act shall take effect immediately.

#### CHAPTER CCCXCIX.

*An act to create a state bureau of criminal identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualification, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Bureau of  
criminal  
identifica-  
tion.

SECTION 1. There is hereby created a state bureau of criminal identification, to be known as "The Bureau of Criminal Identification of the State of California."

SEC. 2. There shall be a director of said bureau appointed by the board of prison directors of the State of California at the first regular meeting held by them after the passage of this act whose official designation shall be "The Director of the State Bureau of Criminal Identification of the State of California," and whose term of office shall be during the pleasure of the board of prison directors.

Director of.

Term of office.

SEC. 3. It shall be the duty of said director, immediately upon assuming his office to file for record and report in his office all plates, photos, outline pictures, descriptions, information and measurement of all people who have been, or may thereafter be convicted and fined, or imprisoned for violating any of the military, naval, or criminal laws of the United States of America, including the laws in force in any of the territories or possessions of the United States, or of this or any other state.

Duty of director.

SEC. 4. It shall be the duty of the director to collect as far as possible and file for record and report in his office all plates, photographs, outline pictures, measurements, information and descriptions of all persons who have been or who hereafter may be, convicted and imprisoned, fined or otherwise subjected to a penalty, by reason of crimes committed by such persons, in this or any other state, territory or possession of the United States of America, and it shall be the duty of the director to use all diligence in procuring the same from the constituted authorities of this or any other states, territories or possessions of the United States of America, and of such municipalities thereof as are engaged in the work of preserving plates, photographs, outline pictures, descriptions, information and measurements of persons who have been or who may hereafter be convicted and imprisoned, fined or otherwise punished for crimes committed within any state, territory or possession of the United States of America, and said director shall request the various authorities of the various states, territories and possessions, within the United States, together with the authorities of the municipalities with whom he shall communicate, to transmit to said director a copy of all plates, photographs, outline pictures, descriptions, information and measurements herein provided for, with a duly prepared certificate signed by an authorized officer of the law having knowledge of the facts therein stated, which certificate shall state that the plates, photographs, outline pictures, measurements, information and description of persons forwarded by such officer to the director in accordance with the provisions of this act are the absolute plates, photographs, outline pictures, measurements, information and descriptions of the very person or persons whose plate, photographs, outline pictures, measurements, information and description may be forwarded by such authorities to the director as herein provided. *Provided*, that it shall be the duty of said director to use all diligence to obtain and file for record in his office the plates, photographs, outline pictures, measurements, or

Same.

information or description of any person who is or who may be hereafter, a fugitive from justice or wanted by the authorities of the United States or of this state by reason of the commission of any crime.

Duty of director.

SEC. 5. It shall be the duty of said director to file or cause to be filed all plates, photographs, outline pictures, measurements, information and description which shall be received by him by virtue of his office, and he shall make a complete and systematic record and index of the same, providing thereby a method of convenient consultation and comparison. *Provided*, that it shall be the duty of said director to furnish, upon application, all information pertaining to the identification of any person, or persons, a plate, photograph, outline picture, description, measurement or any data of which person there is a record in his office, *provided, however*, that such information, shall be furnished to the United States officers, or officers of other states or territories or possessions of the United States duly authorized to receive the same and to all sheriffs of the State of California which application shall be in writing, and be accompanied by a certificate signed by the officer making such application, stating that the information, applied for is necessary in the interest of the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal litigation, or of assisting any person in advancing his personal interest, or in maliciously or uselessly, harassing, degrading or humiliating any person or persons.

Systems of identification to be used.

SEC. 6. In this bureau may be used the following systems of identification: The Bertillon, the Depue, the finger-print system and any system of measurement that may be adopted by law in the various penal institutions of this state. It shall be the duty of the director to keep on file in his office a record consisting of duplicates of all measurements, processes, operations, signaletic cards, plates, photographs, outline pictures, measurements and descriptions of all persons confined in penal institutions of this state as far as possible, in accordance with whatever system or systems may be in vogue in this state, and he shall furnish copies thereof to persons in the manner provided by section 5 of this act.

Duty of director.

SEC. 7. It shall be the duty of the director to obtain from the wardens, superintendent or manager of each of the state prisons and other penal institutions of the state, on the last day of each week a copy of all photographs, and descriptions of all persons admitted to and all persons discharged from such institutions during such week, and it is hereby made the duty of all wardens, superintendents and managers of such penal institutions to furnish to said director such photographs and descriptions in such manner as to enable such director to perform his duties as herein provided.

Salary of director.

SEC. 8. The director shall receive a salary of eighteen hundred dollars (\$1800) per annum, to be paid in the same manner and out of the same fund as state officers are paid. The

state board of prison directors is hereby directed to provide office room and furniture, stationery and necessary clerical assistance, and all other things which in their judgment are necessary to properly conduct said bureau, to be paid for pro rata out of the current expense funds of the penal institutions under the control of such prison directors.

Clerical assistance.

CHAPTER CD.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, and amended March twenty-third, nineteen hundred and one, by amending section two hundred and eleven thereof relating to the compensation of officers of counties of the fifty-fourth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and eleven of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

County government.

Section 211. In counties of the fifty-fourth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers of Sierra county (54th class).

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services.

County clerk.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

Sheriff.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress; *and further provided*, that all acts of the recorder of counties of this class, in retaining to his own use any fees for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress, whether done as mining recorder or as recorder, are hereby validated and declared legal, and that such recorder may continue to retain to his own use such fees, and this act in so far as it relates to the matter enumerated in the last preceding division thereof shall take effect immediately upon its passage.

Recorder.

4. The auditor, three hundred dollars per annum.

Auditor.

5. The treasurer, one thousand dollars per annum.

Treasurer.

- Tax collector. 6. The tax collector, three hundred and fifty dollars per annum.
- Assessor. 7. The assessor, one thousand six hundred dollars per annum.
- District attorney. 8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.
- Coroner; fees. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator; fees. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.
- Surveyor; fees. 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices of the peace; fees. 13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
- Constables; fees. 14. Constables, such fees as are now or may be hereafter allowed by law.
- Super-visors. 15. Each supervisor, three hundred and fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session.
- When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive three dollars per day, but he shall not in any one year receive more than five hundred dollars as supervisor.
- License collector. 16. The license collector, such compensation as the board of supervisors shall fix.

## CHAPTER CDI.

*An act to amend section 168 of an act entitled "An act to establish a uniform system of county and township governments" approved April 1st, 1897 and all acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting acts.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government. SECTION 1. Section 168 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, is hereby amended to read as follows:

Salaries of officers of Humboldt county (11th class). Section 168. In counties of the eleventh class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; and there shall be, and there hereby is allowed to the county clerk, two deputies who shall be appointed by the county clerk and shall each be paid a salary of twelve hundred dollars per annum. County clerk.  
Deputies.
2. The sheriff shall receive five thousand dollars per annum; and there shall be and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum. Sheriff.  
Deputy.
3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each. Recorder  
Deputies.
4. The auditor shall receive two thousand seven hundred dollars per annum. Auditor.
5. The treasurer shall receive two thousand four hundred dollars per annum. Treasurer.
6. The tax collector shall receive two thousand eight hundred dollars per annum. Tax collector
7. The license collector shall receive ten per cent of all licenses collected by him. License collector
8. The assessor shall receive four thousand five hundred dollars per annum. He may employ such assistance as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duty and the expense thereof shall be a charge against the county. Assessor.  
Assistants.
9. The district attorney shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of one thousand dollars per annum. District attorney  
Deputy.
10. The coroner shall receive such fees as are now, or may hereafter be allowed by law. Coroner;  
fees
11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law. Public administrator;  
fees.
12. The superintendent of schools, two thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of seven hundred and fifty dollars per annum. Superintendent of schools.
13. The surveyor shall receive two thousand dollars per annum; and necessary traveling expenses while in the performance of the duties of his office. Surveyor.
14. Each supervisor nine hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars. Supervisors.
15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one Official court reporter.

reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court he shall receive a salary therefor of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof. Subdivision fifteen hereof, relating to the salaries and fees of official shorthand reporters, shall take effect immediately.

Justices of  
the peace.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, in civil cases only, the following fees, to wit:

Fees in  
civil cases.

(1) Each justice of the peace shall be allowed, in civil actions for all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(13) For taking bail in all proceedings, pending before another magistrate, fifty cents.

Constables.

14. In townships having a population of seven thousand or over two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over four thousand, there shall be but one constable elected, and he shall receive a salary of



twenty-five dollars per month. In all other townships there shall be but one constable who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

Fees in  
civil cases.

- (1) For serving summons and complaint, for each defendant served, fifty cents.
- (2) For each copy of summons made by him, twenty-five cents.
- (3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.
- (4) For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.
- (5) For keeping personal property, such sum as the court may order; but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.
- (6) For taking a bond or undertaking, one dollar.
- (7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.
- (8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.
- (9) For writing and posting each notice of sale of property, fifty cents.
- (10) For furnishing notice of publication, twenty-five cents.
- (11) For serving subpoenas, each witness including copy, fifty cents.
- (12) For collecting money on execution two and one half per cent.
- (13) For executing and delivering certificate of sale, fifty cents.
- (14) For executing and delivering constable's deed, two dollars and fifty cents.
- (15) For each mile actually traveled within his county, in the service of any civil writ, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.
- (16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.
- (17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.
- (18) For transporting prisoners to the county jail, from the

justice's court or from the county jail to the justice's court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on execution.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

Salaries  
and fees,  
how paid.

17. All salaries provided for in this act shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

## CHAPTER CDII.

*An act to amend section one thousand, five hundred and forty-three of the Political Code of the State of California, relating to the general duties of school superintendents.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand, five hundred and forty-three of the Political Code of the State of California is hereby amended so as to read as follows:

1543. It is the duty of the county superintendent of each county:

First—To superintend the schools of his county.

Second—1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the

County  
superin-  
tendent of  
schools,  
duties of.  
Apportion  
school  
moneys.

several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district by reason of a large census roll and a small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five, or a number of pupils less than five, during the whole school year, the superintendent shall at once suspend the district, and report the fact to the board of supervisors at their next meeting. The board of supervisors, upon receiving such report from the superintendent, shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining school districts in such manner as may be by them deemed most convenient for the residents of said lapsed district.

Suspend district.

3. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district shall be transferred by the superintendent to the unapportioned school funds of the county, and shall be apportioned as other school funds are apportioned. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Sale of property of lapsed district.

Third—On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the

Requisitions drawn for expenses.

receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition.

Form and approval of demands.

The order of the board of school trustees, or board of education, shall be made only on the form of blank prepared by the superintendent of public instruction, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education shall be transmitted to the superintendent, who shall, in case he approve said demand, indorse upon it, "Examined and Approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it, "Allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant; and said demand, when so approved, and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act.

Register of requisitions.

Fourth—To keep open to the inspection of the public, a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Visit and examine schools.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Preside over teachers' institute.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Issue temporary teachers' certificates

Seventh—He shall have power to issue, if he deem it proper to do so; temporary certificates, valid until the next semi-annual meeting of the county board of education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which county boards are empowered to grant certificates without examination, as specified in section seventeen hundred and seventy-five; *provided*, that no person shall be entitled to receive such temporary certificate more than once in the same county.

Distribute laws.

Eighth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Ninth—To keep in his office the reports of the superintendent of public instruction. Reports kept.

Tenth—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent. Record of official acts.

Eleventh—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for school houses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval. Approve or reject plans for school houses, except.

Twelfth—To appoint trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized, to appoint trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation for such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district. Fill vacancies in school trustees.

Thirteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him. Make reports.

Fourteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk. Preserve reports.

Fifteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same. Grade schools.

## CHAPTER CDIII.

*An act requiring the wardens of the state prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State prisons, wardens of to furnish identification photographs, etc.

SECTION 1. The wardens of the state's prisons of the State of California shall within thirty days after receiving all persons convicted of crime and sentenced to terms in their several prisons send to the sheriffs of the State of California and legalized bureau of identification photographs and minute description of such convict. Together with minute description of his person and marks of identification, together with a statement of the nature of the crime he is imprisoned for.

Expenses incurred, how paid.

SEC. 2. Any expenditures incurred in carrying out the provisions of this act shall be paid for out of the appropriation made for the support of state's prison.

Repeal of former act.

SEC. 3. This act shall be in effect immediately and be enforced from and after its passage and repeals an act approved March 27th, 1897, on page 213, 214 of Statutes and Amendments to the Codes of California of 1897.

## CHAPTER CDIV.

*An act to amend an act entitled "An act fixing the price and conditions of sale at which jute goods shall be sold by the state," approved February 27th, 1893.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State prisons, sale of jute goods manufactured at.

SECTION 1. Section one of an act entitled "An act fixing the price and conditions of sale at which jute goods shall be sold by the state," is hereby amended so as to read as follows:

Price of.

1. It shall be the duty of the state board of prison directors, from time to time, to fix the price and to give public notice of the same, at which jute goods shall be sold by the state, but at no time prior to the 15th day of May of each year shall the price fixed be more than one cent per bag in excess of the net cost of producing the same exclusive of prison labor.

SEC. 2. Section two of said act is hereby amended so as to read as follows:

2. The state board of prison directors shall prescribe the terms and conditions on which the said goods shall be sold, and until the fifteenth day of May of each year shall sell the same only to consumers of bags; but no order before said date for any one individual or firm or corporation shall be valid for more than five thousand grain bags, except on request of the warden and the unanimous approval of the state board of prison directors. If any bags remain unsold after the 15th day of May of each year, the board of prison directors may sell the same to such persons and in such quantities and on such terms and conditions as they shall deem for the best interests of the state up to the 15th day of October of each year.

Conditions of sale, and to whom sold.

Unsold bags.

SEC. 3. Section three of said act is hereby amended so as to read as follows:

3. All orders for jute goods filed with the board of prison directors prior to the fifteenth day of May of each year, must be accompanied by an affidavit setting forth that the amount of goods contained in the order are for the individual and personal use of the applicant. Said affidavit to be subscribed and sworn to before a notary public, or justice of the peace residing in the township in which the applicant resides; *provided*, that any applicant, who shall falsely and fraudulently procure jute goods under the provisions of this act, shall be guilty of a misdemeanor.

Order for goods to be accompanied by an affidavit.

SEC. 4. Section four of said act is hereby amended so as to read as follows:

4. This act shall take effect and be in force immediately from and after its passage.

#### CHAPTER CDV.

*An act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the board of regents of the University of California, and to provide penalties for violation hereof.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Commencing in the month of July, 1905, and at least semi-annually thereafter, the board of regents of the University of California shall hold, or cause to be held, such examination or examinations as they may deem proper to test the qualifications and fitness of applicants for certification and registration as registered nurses within the State of

Regents of the university to hold examinations to test qualifications of trained nurses.

California. Such examinations shall be practical in character, and a reasonable notice designating the time and place thereof must be given, by publication in at least two daily papers published within the State of California.

Applicant to furnish evidence as to character and experience.

SEC. 2. All applicants for examination must furnish satisfactory evidence of good moral character and of having complied with the provisions of this act relative to qualifications; and any examiner may inquire of any applicant for examination concerning his or her character, qualifications or experience, and may take testimony in regard thereto, under oath, which he is hereby empowered to administer.

Certificate of registration.

SEC. 3. All persons satisfactorily passing such examinations shall be granted by the board of regents of the University of California a certificate stating that he or she is a registered nurse within the State of California, and shall thereafter be known and styled as a registered nurse. The secretary of the said board of regents shall keep in his office a book showing the names of all persons to whom certificates as registered nurses have been granted. Graduates of all training schools for nurses which shall have been approved by the said board of regents may be certified as registered nurses, without examination, at any time within three years after the passage of this act, upon payment of the fee prescribed in section four hereof.

Secretary of board to keep record.

Graduates of training schools to receive certificate without examination.

Fee for registration.

SEC. 4. Every person applying for examination, or for registration as a registered nurse, shall pay to the secretary of the said board of regents a fee of five dollars, which shall in no case be refunded. A certificate of registration shall be void three years after the date thereof, but a new certificate may be issued to the holder upon the payment of a fee of one dollar. All expenses incurred in carrying out the provisions of this act shall be paid from the fees and fines collected hereunder, and the surplus receipts, if any, shall be used to provide for education in nursing.

Certificate void, when

Disposition of fees.

Who are eligible.

SEC. 5. (I) No person shall be eligible for examination or for registration as a registered nurse who shall not furnish satisfactory evidence of having graduated from a nurses' training school: (a) that is attached to a reputable hospital; (b) that gives a general training and a systematic, theoretical and practical course of study covering a period of at least two years: (c) and that has been approved by the board of regents of the University of California.

Who are eligible after January 1, 1908.

(II) After January 1st, 1908, no person shall be eligible for examination or for registration as a registered nurse, unless:

(a) He or she is at least twenty-one years of age;

(b) He or she is a graduate of a training school approved by the board of regents of the University of California, and after said date no school shall be approved or remain on the list of schools approved by said board of regents, unless it is attached to a general hospital, and its course requires a three years' training in that hospital, *provided* that a train-



ing school approved as aforesaid may graduate students who have spent a year therein subsequent to completing a two years' course in the training school attached to a special hospital.

(III) After January 1st, 1910, no person shall be eligible for examination or for registration unless he or she furnishes satisfactory evidence of having substantially completed the course of studies pursued in the grammar schools of the State of California, or an equivalent course.

Who are eligible after January 1, 1910.

SEC. 6. The board of regents of the University of California shall have power to revoke any certificate of registration for incompetency, dishonesty, intemperance, immorality or unprofessional conduct, after a full and fair investigation of the charges preferred against the accused. Prior to such hearing a written copy of such charges shall be furnished to the accused, who shall have at least twenty days' notice in writing of the time and place where such charge will be heard and determined.

Revocation of certificate.

SEC. 7. Any person procuring registration under this act, by false representation or who shall refuse to surrender a certificate of registration which has been revoked as set out in this act, or who shall use the title of "registered nurse," or append the letters "R. N." or any other words, letters or figures to indicate that the person using the same is a registered nurse, unless such person shall be lawfully entitled so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than five days nor more than six months, or by both such fine and imprisonment; *provided, however,* that nothing in this act contained shall be construed to prohibit or affect that gratuitous nursing of the sick, nor to nursing the sick for hire by a person who does not in any way assume to be a registered nurse.

Procuring registration by false representation.

Punishment.

Proviso.

## CHAPTER CDVI.

*An act to regulate the practice of pharmacy in the State of California.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this

Registered pharmacist.

act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing, or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drugstore," "drugs," or any of these words, or the characteristic show-bottles or globes, either colored or filled with colored liquids, shall be deemed a "pharmacy" within the meaning of this act.

Registered  
assistant  
pharma-  
cist.

Assistant  
pharma-  
cist not to  
conduct  
pharmacy.

Pharmacy  
defined.

Qualifica-  
tions of  
pharma-  
cist.

Licenti-  
ates in  
pharmacy,  
who are.

Practicing  
pharma-  
cists, who  
are.

Registered  
assistant  
pharma-  
cists, who  
are.

SEC. 2. Any person in order to be a registered pharmacist must be a licentiate in pharmacy, or a practicing pharmacist.

SEC. 3. Licentiates in pharmacy are persons who have had five years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the state board of pharmacy, or who shall present satisfactory evidence to the said board that they have had twenty years' actual experience in the practice of pharmacy; *provided*, that graduates from a reputable college of pharmacy may be registered after eighteen years of like experience. Practicing pharmacists are persons, who at the passage of this act, are registered as such, and who shall have on or before the first day of January next succeeding the passage of this act paid to the board of pharmacy of this state all moneys due for renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11th, 1891, and March 15th, 1901.

SEC. 4. Registered assistant pharmacists are persons who at the time of the passage of this act are already registered as such, and who shall have on or before the first day of January next succeeding the passage of this act paid to the board of pharmacy of this state all moneys due for renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11th, 1891, and March 15th, 1901; *provided*, that no person shall be examined or registered as a

licentiate, unless such person has had five years' pharmaceutical experience in a pharmacy under the supervision of a registered pharmacist; and *provided further*, that no person shall be examined or registered as an assistant pharmacist from and after the passage of this act, unless such person shall be not less than eighteen years of age and has had not less than three years instruction and experience in a pharmacy, under a registered pharmacist; or has been registered as an apprentice as provided in section 15 of this act for not less than three years; and, *provided further*, that an applicant for registration as an assistant pharmacist must first pass a satisfactory examination before the board of pharmacy.

Who may be registered as a licentiate.

Who may be registered as an assistant pharmacist.

Board of pharmacy, appointment of.

Oath of office.

Term of office.

Vacancies, how filled.

Location of office.

Secretary and treasurer.

Bonds of.

Duty of secretary.

Duty of treasurer

Duty of secretary.

SEC. 5. The governor shall appoint seven competent registered pharmacists, residing in different parts of the state, to serve as a board of pharmacy. The members of the board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this act. They shall hold office for the term of four (4) years, and until their successors are appointed and have qualified. In case of vacancy in the board of pharmacy, the governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of the board shall be located in San Francisco. The board shall organize by electing a president, a secretary, and a treasurer. The secretary may or may not be a member of the board as the board in its sound discretion shall determine. The secretary and treasurer shall each give a satisfactory bond running to the board of pharmacy in a sum of not less than two thousand dollars, and such greater sum as the board may from time to time, require for the faithful discharge of their respective duties.

SEC. 6. It shall be the duty of the secretary to keep a book of registration open at the city of San Francisco, in which shall be entered under the supervision of the board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this act. The secretary shall give receipts for all moneys received by him and pay the same to the treasurer of the board, taking his receipt for the same. The treasurer shall disburse the same by order of the board for necessary expenses, taking proper vouchers therefor. The balance of said money, after paying the expenses of the board, he shall pay to the state treasurer, who shall keep it in a special fund to be used in carrying out the provisions of this act. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist or assistant pharmacist who has died, or who in the opinion of the board has forfeited his right under the law to do business in this state. Besides the duties required by this act, it shall be the duty of the

secretary to perform such other reasonable duties appertaining to his office, as may be required of him by the board of pharmacy. The secretary shall receive such compensation as may be fixed by the board of pharmacy, if he be a member of the board, then such compensation shall be in addition to his per diem as a member of said board.

Compensation of secretary.

Quorum. SEC. 7. Four members of the board shall constitute a quorum. They shall meet at least quarterly.

*Powers and duties of the board.*

Powers and duties of board.

Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this state, using the United States Pharmacopœia as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia.

(f) To employ inspectors of pharmacy, and to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable grounds for such action.

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the board of pharmacy: Applicants for registration on experience and credentials, upon being registered as such, \$20.00; for examination as licentiate, whether the applicant is successful or not, \$5.00; for assistants applying for a licentiate's certificate under section 4 of this act, \$5.00. If registration be granted, each of such persons shall be furnished with a certificate of registration, signed by the secretary, and the members of the board.

Member of board shall not teach pharmacy, unless

Compensation of members.

SEC. 8. No member of the board shall teach pharmacy in any of its branches, unless it be as a teacher in a public capacity and in a college of pharmacy. The members of the board of pharmacy shall each be paid the sum of eight dollars per diem for every meeting of the board which they attend, together with their necessary expenses, and mileage at the rate of five cents per mile for each mile necessarily traveled.

All compensation of members and all other expenses of the board, shall be paid out of the examination and registration fees and fines.

SEC. 9. Every registered pharmacist, and every assistant pharmacist, who desires to retain his registration on the books of the board of pharmacy in this state, shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the board of pharmacy, a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacists, and one dollar for assistant pharmacists, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in the payment of said fee, his registration may be revoked by the board of pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid, together with such penalty not exceeding ten dollars, as the board may impose. Upon payment of said fee and penalty, the board must reinstate the delinquent's registration. No person having received, or who may hereafter receive a certificate of registration as a pharmacist, or assistant pharmacist, shall engage in business as a pharmacist or assistant pharmacist, in any county of this state in which he shall locate, or into which he shall afterward remove, until he shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate—to be paid by the person offering such certificate for record. Every pharmacist or assistant pharmacist holding a certificate of registration as a pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist, or assistant pharmacist, shall have such certificate recorded, as is in this section provided, within thirty days after the taking effect of this act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it, was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant pharmacist failing to comply with the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than twenty-five dollars. Upon the certificate being recorded, as herein provided, it shall be the duty of the county clerk to notify the secretary of the board of pharmacy of the name of the party and the date of such record.

SEC. 10. Every person upon receiving a certificate of registration under this act, or who has heretofore received a certificate of registration in this state, shall keep his last receipt for re-registration, conspicuously exposed in his place of business. Every registered pharmacist, and assist-

Renewal  
fee.

Recording  
of certifi-  
cate, when  
required.

Fee for  
recording

Penalty  
for  
violations.

Posting of  
certificate.

Removal of place of business. ant pharmacist, shall within thirty days after the changing of his place of business as designated on the books of the board of pharmacy, notify the secretary of the board of his new place of business, and upon receipt of said notification, the secretary shall make the necessary change in his register.

Responsible for quality of drugs, etc. SEC. 11. Every proprietor or manager of a pharmacy or drug-store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully, or fraudulently, falsify, or adulterate or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used, or intended to be used in medical practice, or shall mix, or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment.

Adulteration, etc., of drugs, penalty.

Filing of physicians' prescriptions.

Copy of prescription furnished only to physician.

Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store. They shall be preserved for at least two years, and he shall furnish a correct copy of any prescription, only under the order or request of the physician writing the same. Any person who shall willfully violate any of these provisions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The state board of pharmacy may at any time when in their judgment it appears advisable, deputize one of their members, or any other competent person to investigate any suspected violation of any of the provisions of this act and if the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this act.

Registration by false representation, punishment.

SEC. 12. Any person who shall attempt to procure registration for himself or any other person under this act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and

imprisonment. Any person who shall permit the compounding or dispensing of prescriptions of medical practitioners, or the selling of drugs and medicines, in his store or pharmacy by persons not registered, except under the direct supervision of a registered pharmacist, or any person not registered who shall retail medicines or poisons or chemicals, except in a pharmacy under the direct supervision of a registered pharmacist, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. All fines recovered under this act, shall be paid by the magistrate receiving the same, to the state board of pharmacy. Any person convicted of violating the provisions of this act a third time, shall in addition to the penalties hereinbefore mentioned have his registration as a pharmacist canceled. Nothing in this act shall apply to or interfere with any practitioner of medicine, who is duly registered as such by the state board of medical examiners of this state, with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire, and who does not keep a pharmacy, open shop, or drug-store, advertised or otherwise, for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer, nor do general dealers come under the provisions of this act, in and so far as it relates to the keeping for sale of proprietary medicines, in original packages. Nor does this act apply to registered or copyrighted proprietary medicines registered in the United States patent office, nor to the manufacture of proprietary remedies or the sale of the same in original packages, by persons other than pharmacists.

Compounding of prescriptions, other than by person registered, punishment.

Disposition of fines.

Not to apply to practitioner of medicine.

Does not apply to proprietary medicines in original packages.

SEC. 13. Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines, or poisons, in his store or place of business, except by or in the presence and under the direct supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term not exceeding fifty days, or to both such fine and imprisonment.

Proprietor of pharmacy not registered must place in charge a registered pharmacist

SEC. 14. Any member of the board of pharmacy may examine applicants orally or in writing, and issue a tempo-

Examination of applicants:

rary certificate to practice pharmacy, which shall authorize such practice and be valid, not to exceed three months from its date. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been acted upon by the board. The member conducting such examination as herein set forth, shall be entitled to charge and receive the sum of three dollars for his services, said moneys to be paid to the secretary for the board of pharmacy.

Appren-  
tices.

SEC. 15. It shall be the duty of all registered pharmacists who take into their employment an apprentice, whose purpose is to become a pharmacist, to report to the board of pharmacy such facts regarding his schooling and preliminary qualifications as the board of pharmacy may require, for the purpose of registration as an apprentice. The board of pharmacy shall adopt a standard of qualifications regarding schooling and preliminary education for all persons desiring to be regarded as apprentices, as provided for in this section. The pharmaceutical experience of every apprentice shall, after the passage of this act, be deemed to begin on the date on which he began the study of pharmacy, and such date shall be inserted in the certificate of registration of said apprentice, provided the preliminary qualifications have been found satisfactory by the board. Sworn testimony shall be furnished the board upon which they shall determine the date as aforesaid. The date so determined and entered as aforesaid, shall be deemed to be the beginning of the applicant's pharmaceutical experience for the purposes of this act; *provided*, that students matriculated and attending any reputable college of pharmacy, shall be registered as apprentices, upon such fact being shown. The board of pharmacy shall keep a register for the registration of apprentices and furnish on application, proper blanks for this purpose. No apprentice shall be permitted to sell drugs, or medicines, or compound prescriptions, except under the direct, immediate, and personal supervision of a registered pharmacist. No registered apprentice shall ever be left in charge of a pharmacy.

Board may  
issue per-  
mits to  
dealers in  
rural  
districts.

SEC. 16. The board of pharmacy may in its discretion, issue a permit to general dealers in rural districts, in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than five miles distant from the store of a registered pharmacist; which said permit shall authorize the person or firm named therein to sell such ordinary drugs and ordinary household remedies, and in such manner and form, as the board may from time to time specify, in said district but not elsewhere, under such regulations and restrictions as said board may from time to time adopt. The board shall charge an annual fee of twelve dollars, in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household reme-



dies, without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within five miles, by the shortest road, from the place of business of such general dealer, no further license shall be granted, and the license already issued shall become void; and the board shall refund to said general dealer the proper proportion of the unexpired license fee paid to the board of pharmacy.

SEC. 17. It shall be the duty of the board of pharmacy, by resolution, at least annually to request of the chief of police or marshal of every incorporated city in this state, a list of all drug-stores, together with the names of the owners, managers, and all employes in said stores, and a brief statement of the capacity in which said persons are employed in said stores. Upon such request in writing, it shall be the duty of the chief of police or marshal of said city, to require the patrolmen under his command, upon their respective beats, to obtain such list as is in this section specified, and deliver the same to the board of pharmacy. It shall be the duty of the owner or manager of any drug-store when called upon by an officer as above set forth, or by a member of the board of pharmacy, to furnish said officer or member of the board of pharmacy with the information required. Any person refusing to furnish information, or willfully furnishing information that is false and untrue, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty dollars, or by imprisonment for not less than ten days, and not more than twenty days, or by both such fine and imprisonment.

Board to be furnished list of drug-stores, owners, employes, etc., by police or marshal.

SEC. 18. The several penalties prescribed in this act may be recovered in any court having jurisdiction, by a civil action instituted by the board of pharmacy, in the name of the State of California, or by criminal prosecution upon complaint being made; and it shall be the duty of the district attorney of the county wherein violations of the provisions of this act occur, to conduct all such actions and prosecutions at the request of the board.

Penalties, how recovered.

SEC. 19. All persons registered under this act shall be exempt and free from jury duty.

Exempt from jury duty.

SEC. 20. This act shall take effect July 1, 1905, and all laws in conflict with this act, (in and so far as they conflict) are hereby repealed.

Repeal of former, and conflicting acts.

## CHAPTER CDVII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23d, 1901, and March 16th, 1903, by amending section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

- SECTION 1. Section one hundred and ninety-seven of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, eighteen hundred and ninety-seven, and as amended March 23d, nineteen hundred and one, and also amended March sixteenth, nineteen hundred and three, is hereby amended so as to read as follows:
- Section 197. In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:
1. The county clerk, fifteen hundred dollars per annum.
  2. The sheriff, three thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
  3. The recorder, twenty-one hundred dollars per annum.
  4. The auditor, nine hundred dollars per annum.
  5. The treasurer, fifteen hundred dollars per annum.
  6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.
  7. The assessor, three thousand five hundred dollars per annum.
  8. The district attorney, fifteen hundred dollars per annum.
  9. The coroner, such fees as are now, or may be hereafter allowed by law.
  10. The public administrator, such fees as are now, or may be hereafter allowed by law.
  11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
  12. The surveyor, such fees as are now, or may be hereafter allowed by law.
  13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.

County government.

Salaries of officers of El Dorado county (40th class).

County clerk.

Sheriff.

Recorder.

Auditor.

Treasurer.

Tax collector.

Assessor.

District attorney.

Coroner; fees.

Public administrator; fees.

Superintendent of schools.

Surveyor; fees.

Justices of the peace; fees.

For a trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, only fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name fifty cents; for each additional name twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same, twenty-five cents; for each certificate twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar. Constables; fees.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like services.

Supervis-  
ors

15. Each member of the board of supervisors four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex-officio road overseer or commissioner not to exceed three hundred dollars in any one year.

16. This act shall take effect January 1st, 1907.

#### CHAPTER CDVIII.

*An act to amend section one hundred and seventy (170) of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and the acts amendatory thereof; relating to compensation of county and township officers of counties of the thirteenth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County  
govern-  
ment.

SECTION 1. Section one hundred and seventy (170) of an act entitled "An act to establish a uniform system of county and township governments," approved March first, eighteen

hundred and ninety-seven, and amended March 23d, 1901, is hereby amended to read as follows:—

Section 170. In counties of the thirteenth class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

1. The county clerk, thirty-three hundred dollars per annum; *provided*, that in any year that the compilation of a great register is required by law to be made, he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register. Salaries of officers of Santa Cruz county (13th class).  
County clerk.
2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind. Sheriff.
3. The recorder, twenty-one hundred dollars; *provided however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording. Recorder.
4. The auditor, two thousand dollars per annum. Auditor.
5. The treasurer, eighteen hundred dollars per annum. Treasurer.
6. The tax collector, twenty-four hundred dollars per annum, *provided* that said tax collector shall be allowed one clerk for the period of six months during each fiscal year who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, the said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund, as the salary of the tax collector is paid. Tax collector.  
Clerk.
7. The assessor, eighteen hundred dollars per annum. Assessor.
8. The district attorney, two thousand dollars per annum. District attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner;  
fees.
10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator;  
fees.
11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.
12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor;  
fees.
13. Each supervisor. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner, fifteen cents per mile, one way; *provided* the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year. Supervisors.

Classification of townships.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of six thousand five hundred or more shall belong to and be known as townships of the first class; townships containing a population of less than six thousand five hundred and more than four thousand five hundred shall belong to and be known as townships of the second class; townships containing a population of less than four thousand five hundred and more than two thousand five hundred shall belong to and be known as townships of the third class; townships containing a population of less than two thousand five hundred and more than one thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than one thousand and more than eight hundred shall belong to and be known as townships of the fifth class; townships containing a population of less than eight hundred shall belong to and be known as townships of the sixth class. The population of the several judicial townships shall be determined for the purpose of this and the succeeding section, by multiplying by five the total vote cast in such townships for governor at the last general election held November fourth, nineteen hundred and two, as indicated by the official election returns of said election.

Justices of the peace.

15. Justices of the peace shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the general fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit: In townships of the first class, seventy-five dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law.

Each justice must pay in to the county treasurer once a month all fines collected by him. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases; justices of the peace of the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Constables.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the salaries of the county officers are paid out of the general fund of the county, and which shall be in full for all services rendered by

them in criminal cases, to wit: In townships of the first class, thirty dollars per month; in townships of the second class, thirty dollars per month; in townships of the third class, twenty dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest or any other process in a criminal case (where such service is in fact made) both going and returning ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use, in civil cases, the fees which are now or may hereafter be allowed by law.

Fees in  
civil cases.

The compensations herein provided for justices of the peace and constables shall take effect and be in force on and after the first Monday in April, nineteen hundred and three.

16. The official reporter of the superior court shall receive the fees allowed by law.

Official  
court  
reporter.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies (except in the case of the district attorney wherein one deputy is provided for within the discretion of the board of supervisors) except as provided in section two hundred and fifteen of the county government act, approved eighteen hundred and ninety-seven, wherein it provides certain fees and commissions for the assessor and license collector.

Deputy  
district  
attorney.

Fees for  
assessor  
and license  
collector.

SEC. 2. All acts and parts of acts inconsistent with this act in so far as they are inconsistent are hereby repealed.

SEC. 3. This act shall take effect and be in force from the first Monday in January, A. D. 1907, unless herein otherwise provided.

## CHAPTER CDIX.

*An act adding a new section to the Political Code to be known as section 3769a, providing for giving notice of tax sales in certain cases.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added to the Political Code of the State of California a new section to be known as section 3769a to read as follows:

Collection  
of property  
tax.

Land sold for taxes encumbered by trust deed or mortgage

Copy of publication mailed to mortgagee.

When address is unknown.

Copy of notice and affidavit filed with recorder.

3769a. Whenever land to be sold for taxes is encumbered by trust deed or mortgage and the taxes for which the land is to be sold is for the value over and above the encumbrance, as the said encumbrance is shown by and upon the assessment roll in the tax collector's office, the tax collector shall at least ten days before the date of sale mail a copy of the publication required in sections 3764 and 3765, 3766 and 3767 of this code to the mortgagee named in any such mortgage and the trustees named in any such trust deed. When the addresses of the mortgagee named in any mortgage and the trustees named in any trust deed are unknown to the tax collector, he shall mail said notices in said names to the county seat of the said county. The tax collector shall file a copy of said notice with an affidavit of time and place of mailing same with the county recorder and county clerk respectively.

#### CHAPTER CDX.

*An act to add a new section to the Political Code, to be known as section 1576a, providing for clerks of school boards in certain cases, and for payment of their salaries.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known as section 1576a, to read as follows:

Clerk to board of school trustees, appointed when.

1576a. In any school district organized under the preceding section, and which is also a high school district, and which districts are governed by a board of three trustees, and which districts have, by the last preceding school census, a school population of more than fifteen hundred, the trustees may appoint a clerk, who shall not be one of their number, to act for both districts, to hold office during the pleasure of the board; and said board may fix his salary at a sum not exceeding twenty-five dollars per month for each district, which sum shall be paid in the same manner and from the same funds as other incidental expenses of the districts are paid.

Term of office and salary.

SEC. 2. This act shall take effect immediately.



## CHAPTER CDXI.

*An act to amend an act, entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of said act, approved March 19, 1889, is hereby amended so as to read as follows:

Section 4. All proper expenses of proceedings for annexation of territory under this act, whether such annexation shall be made and completed or not, shall be paid by the municipal corporation so annexing or attempting to annex such territory. In the event that a tax for road purposes has been levied by the board of supervisors of any county against property situate in territory which, subsequent to such levy, is annexed by any town or city under the provisions of this act, but which, at the time of such annexation has not been collected, then all such taxes so uncollected shall be and become the property of the town or city to which such territory is annexed, and same shall, with other county taxes, be collected by the county tax collector, and by him paid in to the county treasurer of said county, after which the same shall, by the county treasurer, be paid to such town or city, upon proper warrant therefor. The town or city clerk, or other officer performing the duties of clerk of such town or city, shall, at any regular meeting of the board of supervisors of said county, present and file a verified claim for any money thus due such town or city, setting forth the fact and the date of such annexation, and the amount in the hands of said county treasurer so due such town or city. Said claim shall be audited by the board of supervisors in the manner in which other claims against the county are audited, and if the amount thereof is correct, the same shall be allowed, and the county auditor instructed to draw his warrant for said amount against the road fund of the district in which such annexed territory is situated. This law shall apply to all such taxes not paid into the county treasury prior to the passage of this act.

This act shall take effect immediately.

Incorporated cities, expenses of annexation of territory, how paid.

Road tax levied and not collected prior to annexation, property of city or town.

Verified claim filed against the county.

Audited and paid out of road fund.

## CHAPTER CDXII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, and amended March 23rd, 1901, by amending section 203 thereof relating to the compensation of county and township officers in counties of the forty-sixth class.*

[Approved March 20, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

- SECTION 1. Section 203 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, eighteen hundred and ninety-seven, and amended March 23rd, 1901, is hereby amended to read as follows:
- Section 203. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:
1. The county clerk, fifteen hundred dollars per annum.
  2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
  3. The recorder, one thousand dollars per annum.
  4. The auditor, five hundred dollars per annum.
  5. The treasurer, one thousand dollars per annum.
  6. The tax collector, five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.
  7. The assessor, eighteen hundred dollars per annum.
  8. The district attorney, fifteen hundred dollars per annum.
  9. The coroner, such fees as are now or may be hereafter allowed by law.
  10. The public administrator, such fees as are now or may be hereafter allowed by law.
  11. The superintendent of schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
  12. The surveyor, such fees as are now or may be hereafter allowed by law.
  13. Justices of the peace, the fees which now are or hereafter may be allowed by law; *provided*, that where the trial of any case shall occupy more than one day, and not less than three hours of such day, the justice shall also be allowed three dollars for each additional day consumed in such trial.
  14. Constables, the fees which now are or hereafter may be allowed by law; *provided*, that the constable shall also be

County government.

Salaries of officers of Sutter county (46th class.)

County clerk.

Sheriff.

Recorder.

Auditor.

Treasurer.

Tax collector.

Assessor.

District attorney.

Coroner; fees.

Public administrator; fees.

Superintendent of schools.

Surveyor.

Justices of the peace; fees.

Constables; fees.

allowed at the rate of two dollars and fifty cents per day for each day of actual attendance on the trial of cases in the justice's court, where such attendance is pursuant to the order of the justice thereof.

15. Each member of the board of supervisors, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat; and when serving as road commissioner three dollars per day and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as such road commissioner. But he shall not in any one year receive more than three hundred and fifty dollars as supervisor or more than two hundred and fifty dollars as road commissioner, exclusive of mileage. When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses.

#### CHAPTER CDXIII.

*An act to add four new sections to the Civil Code to be numbered fifty-one, fifty-two, fifty-three, and fifty-four, all relating to personal rights.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to said code, to be numbered fifty-one, and to read as follows:

51. All citizens within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating houses, barber shops, bath houses, theaters, skating rinks, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

Personal rights, all persons have equal.

SEC. 2. A new section is hereby added to said code, to be numbered fifty-two, and to read as follows:

52. Whoever violates any of the provisions of the last preceding section, by denying to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges in said section enumerated, or by aiding or inciting such denial, or whoever makes any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of any citizen to, or his treatment in, any inn, hotel, restaurant, eating house, barber shop, bath house, theater, skating rink, or other public place of amusement or accom-

Violation of preceding provisions.

Damages. modulation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, for each and every such offense is liable in damages in an amount not less than fifty dollars, which may be recovered in an action at law brought for that purpose.

SEC. 3. A new section is hereby added to said code, to be numbered fifty-three, and to read as follows:

Admittance to places of amusement, etc., on presentation of ticket, or price of ticket.

53. It is unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera house, theater, melodeon, museum, circus, caravan, race course, fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years, who presents a ticket of admission acquired by purchase, or who tenders the price thereof for such ticket, and who demands admission to such place. Any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

Exceptions.

SEC. 4. A new section is hereby added to said code, to be numbered fifty-four, and to read as follows:

Violation of preceding provisions.

54. Any person who is refused admission to any place of amusement contrary to the provisions of the last preceding section, is entitled to recover from the proprietor, lessee, or their agents, or from any such person, corporation, or association, or the directors thereof, his actual damages, and one hundred dollars in addition thereto.

Damages.

## CHAPTER CDXIV.

*An act to repeal section fifty-eight, and to amend sections sixty, sixty-eight, seventy-nine and a half, and eighty-four of the Civil Code, all relating to marriage.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Section 58 repealed.

SECTION 1. Section fifty-eight of the Civil Code is hereby repealed.

SEC. 2. Section sixty of said code is hereby amended to read as follows:

Marriages, illegal

60. All marriages of white persons with negroes, Mongolians, or mulattoes are illegal and void.

SEC. 3. Section sixty-eight of said code is hereby amended to read as follows:

Marriages, procedure required.

68. Marriage must be licensed, solemnized, authenticated, and recorded as provided in this article; but non-compliance with its provisions by others than a party to a marriage does not invalidate it.

SEC. 4. Section seventy-nine and a half of said code is hereby renumbered and amended to read as follows:

79a. The provisions of this chapter, so far as they relate to the solemnizing of marriages, are not applicable to members of any particular religious denomination having, as such, any peculiar mode of entering the marriage relation; but such marriages must be declared, as provided in section seventy-six, and be acknowledged and recorded, as provided in section seventy-seven. Where a marriage is declared as provided in said section seventy-six, the husband must file said declaration with the county recorder within thirty days after such marriage, and upon receiving the same the county recorder must record the same; and if the husband fails to make such declaration and file the same for record, as herein provided, he is liable to the same penalties as any person authorized to solemnize marriages, who fails to make the return of such solemnization as provided by law.

Not applicable to members of particular religious denomination

SEC. 5. Section eighty-four of said code is hereby amended to read as follows:

84. A judgment of nullity of marriage does not affect the legitimacy of children begotten before the judgment.

Children of annulled marriages.

## CHAPTER CDXV.

*An act to amend sections two hundred and twenty-six, and two hundred and twenty-seven of the Civil Code, all relating to the adoption of children.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and twenty-six of said code is hereby amended to read as follows:

226. Any person desiring to adopt a child may, for that purpose, petition the superior court of the county in which the petitioner resides. The person adopting a child, and the child adopted, and the other persons, if within or residents of this state, whose consent is necessary, must appear before the court, and the necessary consent must thereupon be signed and an agreement executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within or are not residents of this state, then their written consent, duly proved or acknowledged, according to sections eleven hundred and eighty-two and eleven hundred and eighty-three, must be filed in said superior court at the time of the application for adoption.

Adoption of child, petition

Consent of residents necessary.

Consent of non-residents.

SEC. 2. Section two hundred and twenty-seven of said code is hereby amended to read as follows:

Judge's  
order.

227. The court must examine all persons appearing before it pursuant to the last section, each separately, and if satisfied that the interests of the child will be promoted by the adoption, it must make an order declaring that the child shall thenceforth be regarded and treated in all respects as the child of the person adopting. The petition, agreement, consent, and order must be filed and registered in the office of the county clerk in the same manner as papers in other special proceedings.

Petition,  
order, etc.,  
where  
filed.

## CHAPTER CDXVI.

*An act to amend sections two hundred, and ninety-nine, three hundred and two, three hundred and four, three hundred and nine, three hundred and ten, three hundred and eleven, three hundred and twelve, three hundred and fourteen, and three hundred and fifteen of the Civil Code, all relating to corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and ninety-nine of the Civil Code is hereby amended to read as follows:

Corpora-  
tions  
holding  
property  
in any  
county  
other than  
where  
original  
articles are  
filed, must  
file certi-  
fied arti-  
cles with  
county  
clerk.

299. No corporation hereafter formed must purchase, locate, or hold property, in any county in this state, other than the county in which its original articles of incorporation are filed, without filing a copy of the copy of its articles of incorporation filed in the office of the secretary of state, duly certified by such secretary of state, in the office of the county clerk of the county in which such property is situated, within sixty days after such purchase or location is made. Every corporation now in existence, whether formed under the provisions of this code or not, must, within ninety days after the passage of this section, file such certified copy of the copy of its articles of incorporation in the office of the county clerk of every county in this state in which it holds any property, except the county where the original articles of incorporation are filed; and if any corporation hereafter acquires any property in a county other than that in which it now holds property, it must, within ninety days thereafter, file with the clerk of such county such certified copy of the copy of its articles of incorporation. The copies filed with the several county clerks, and certified copies thereof, have the same force and effect in evidence as the originals.

Applies to  
all corpo-  
rations.

Same effect  
in evi-  
dence as  
originals.

Any corporation failing to comply with the provisions of this section cannot maintain or defend any action or proceeding in relation to such property, its rents, issues, or profits, until such articles of incorporation, and such certified copy of its articles of incorporation, and such certified copy of the copy of its articles of incorporation, are filed at the places directed by the general law and this section; *provided*, that all corporations are liable in damages for any and all loss that may arise by the failure of such corporation to perform any of the foregoing duties within the time mentioned in this section; and *provided further*, that the said damages may be recovered in an action brought in any court of this state of competent jurisdiction, by any party or parties suffering the same.

Failing to file, suit cannot be maintained or defended.

Damages for failure to file.

SEC. 2. Section three hundred and two of said code is hereby amended to read as follows:

302. The directors of a corporation must be elected annually by the stockholders or members, and if no provision is made in the by-laws for the time of election, the election must be held on the first Tuesday in June. Notice of such election must be given as prescribed in section three hundred and one.

Election of directors.

Notice of election.

SEC. 3. Section three hundred and four of said code is hereby amended to read as follows:

304. All by-laws adopted must be certified by a majority of the directors and secretary of the corporation, and copied in a legible hand, in some book kept in the office of the corporation, to be known as the "book of by-laws," and the book must then be open to the inspection of the public during office hours each day except holidays. The by-laws may be repealed or amended, or new by-laws may be adopted, at the annual meeting, or at any other meeting of the stockholders or members, called for that purpose by the directors, by a vote representing two thirds of the subscribed stock, or by two thirds of the members. The written assent of the holders of two thirds of the stock, or two thirds of the members if there is no capital stock, is effectual to repeal or amend any by-law, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote at any such meeting, or similar written assent, be delegated to the board of directors. The power, when delegated, may be revoked by a similar vote, at any regular meeting of the stockholders or members. Whenever any amendment or new by-law is adopted, it must be copied in the book of by-laws with the original by-laws, and immediately after them. If any by-law is repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, or written assent was filed, must be stated in said book. Until copied or stated as hereinbefore required, no by-law, nor any amendment or repeal thereof, can be enforced against any person, other than the corporation, not having actual notice thereof.

By-laws.

Repealed or amended by stockholders.

Power delegated to directors.

By-laws not in force until copied in book.

SEC. 4. Section three hundred and nine of said code is hereby amended to read as follows:

309. The directors of corporations must not make dividends, except from the surplus profits arising from the business thereof; nor must they create any debts beyond their subscribed capital stock; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock, except as hereinafter provided, nor reduce or increase the capital stock, except as herein specially provided. For a violation of the provisions of this section, the directors under whose administration the same may have happened (except those who may have caused their dissent therefrom to be entered at large on the minutes of the directors at the time, or were not present when the same did happen) are, in their individual or private capacity, jointly and severally liable to the corporation, and to the creditors thereof, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, or debt contracted; and no statute of limitation is a bar to any suit against such directors for any sums for which they are liable by this section; *provided, however*, that where a corporation has been heretofore or may hereafter be formed for the purpose, among other things, of acquiring, holding, and selling real estate, water, and water rights, the directors of such corporation may, with the consent of stockholders representing two thirds of the capital stock thereof, given at a meeting called for that purpose, divide among the stockholders the land, water, or water rights so by such corporation held, in the proportions to which their holdings of such stock at the time of such division entitle them. All conveyances made by the corporation in pursuance of this section must be made and received subject to the debts of such corporation existing at the date of the conveyance thereof. Nothing herein prohibits a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution, or the expiration of its term of existence.

SEC. 5. Section three hundred and ten of said code is hereby amended to read as follows:

310. The board of directors may be removed from office by a vote of two thirds of the members, or of stockholders holding two thirds of the capital stock, at a general meeting held after previous notice of the time and place, and of the intention to propose such removal. Meetings of stockholders for this purpose may be called by the president, or by a majority of the directors, or by members or stockholders holding at least one half of the votes. Such calls must be in writing, and addressed to the secretary, who must thereupon give notice of the time, place, and object of the meeting, and by whose order it is called. If the secretary refuses to give the notice, or if there is none, the call may be addressed directly to the members or stockholders, and be served as a

Directors must not make dividends, except.

Limit as to debt.

Withdrawal of capital stock.

Increase or decrease of capital stock.

Directors individually and jointly liable.

Statute of limitation not a bar.

Property of certain corporations may be divided.

Conveyances subject to debt.

Division of capital stock after debts are paid.

Removal of directors.



notice, in which case it must specify the time and place of meeting. The notice must be given in the manner provided in section three hundred and one of this title, unless other express provision has been made therefor in the by-laws. In case the board of directors is so removed, a new board may be elected at the same meeting.

SEC. 6. Section three hundred and eleven of said code is hereby amended to read as follows:

311. Whenever, from any cause, there is no person authorized to call or to preside at a meeting of a corporation, any justice of the peace of the county where such corporation is established may, on written application of three or more of the stockholders or of the members thereof, issue a warrant to one of the stockholders or members, directing him to call a meeting of the corporation, by giving the notice required, and the justice may, in the same warrant, direct such person to preside at such meeting until a clerk is chosen and qualified, if there is no other officer present legally authorized to preside thereat. The application of a number of stockholders less than three, but holding a majority of the capital stock, has the same effect as an application by three or more stockholders or members.

Justice of the peace to preside at meeting of corporation, when

SEC. 7. Section three hundred and twelve of said code is hereby amended to read as follows:

312. At all elections or votes had for any purpose there must be a majority of the subscribed capital stock, or of the members, represented, either in person or by proxy in writing. Every person acting therein, in person or by proxy or representative, must be a member thereof, or a stockholder having stock in his own name on the stock books of the corporation at least ten days prior to the election. Any vote or election had other than in accordance with the provisions of this article is voidable at the instance of absent or any stockholders or members, and may be set aside by petition to the superior court of the county where the same is held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time, if for any reason there is not present a majority of the subscribed stock or members, or no election had—such adjournment and the reasons therefor being recorded in the journal of proceedings of the board of directors.

Majority of capital stock must be represented at elections.

Vote or election set aside.

Regular or called meetings may adjourn.

SEC. 8. Section three hundred and fourteen of said code is hereby amended to read as follows:

314. If from any cause an election does not take place on the day appointed by law or the by-laws, or otherwise, it may be held on any day thereafter as is provided for in such by-laws, or to which such election may be adjourned or ordered by the directors. If an election has not been held at the appointed time, and no adjourned or other meeting for the purpose has been ordered by the directors, a meeting may be called by the stockholders as provided in section three hundred and ten.

Election not taking place on appointed day.

SEC. 9. Section three hundred and fifteen of said code is hereby amended to read as follows:

New election may be ordered by the court.

315. Upon the application of any person or body corporate aggrieved by any election held by any corporate body, the superior court of the county in which such election is held must proceed forthwith to hear the allegations and proofs of the parties, or otherwise inquire into the matters of complaint, and thereupon confirm the election, order a new one, or direct such other relief in the premises as accords with right and justice. Upon filing the petition, and before any further proceedings are had under this section, five days' notice of the hearing must be given, under the direction of the court or the judge thereof, to the adverse party, or those to be affected thereby.

## CHAPTER CDXVII.

*An act to repeal Title IV of Part III of Division First of the Civil Code and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Title IV of Part III of Division First of the Civil Code and each and every section thereof is hereby repealed, and a new Title IV is substituted to take the place thereof in said code to read as follows:

### TITLE IV.

#### MASTER AND APPRENTICE.

- Sec. 264. Minors, when and to whom may be bound as apprentices.
- Sec. 265. Persons who may bind minor with his consent.
- Sec. 266. Indenture of apprenticeship, how to be executed and what to contain.
- Sec. 267. Jury trial as to facts of incapacity, etc., of parent.
- Sec. 268. Apprenticing of poor and homeless minors.
- Sec. 269. Master to keep apprentice within the state, to deliver him money and other property therein.
- Sec. 270. Duty to inquire into the treatment of minor apprentices.
- Sec. 271. Hearing of complaints of apprentices.
- Sec. 272. Power of court to discharge apprentice from apprenticeship.
- Sec. 273. Liability of master for breach of his covenant.
- Sec. 274. Liability of, and proceedings against, apprentice guilty of gross misbehavior.
- Sec. 275. Enticing away apprentices and liability for.
- Sec. 276. Release of master removing out of state or quitting business.

Minors, when and to whom bound by indenture as apprentices.

264. Every minor of the age of fourteen years or upwards may be bound by indenture as an apprentice to any mechanical trade or art or the occupation of farming to the age of eighteen years, if a female, or to the age of twenty-one years, if a male.

265. A minor, with his consent, may be bound by his father, or, in case of his death or incompetency, or where he has willfully abandoned his family for one year without making suitable provision for their support, or is habitually intemperate in the use of intoxicants, or is a vagrant, then by his mother or legal guardian. An executor, who, by the will of the father, is directed to bring up a child to a trade or calling, has power to bind by indenture in like manner as the father might have done, if living. If a child is illegitimate, the mother alone has power to bind him. If a minor has no parent or guardian competent to act for him, he may bind himself, with the approval of the superior court of the county wherein he resides. If the mother of a minor, whether legitimate or illegitimate, marries after his birth, she cannot bind him without the approval of such superior court.

Minor, with his consent, may be bound by whom.

266. Every indenture of apprenticeship must be executed in duplicate, must state the age of the minor, and, except as hereinafter provided, must show that he consented thereto, must be signed by him and the person binding and the master, and when made with the approval of the superior court, a certified copy of the order of approval must be attached to the indenture. One copy of the indenture must be delivered to the master and the other kept for the use of the minor by his parent or guardian when executed by him, or, when made with the approval of the court, it must be filed and deposited with the clerk for safekeeping for the use of the minor. No indenture binds the minor after the death of the master, but thereafter the minor may be bound anew. Every indenture entered into otherwise than as herein provided is, as against the apprentice, absolutely void.

Indenture of apprenticeship, how executed and what to contain.

Void, when.

267. Facts of incapacity, desertion, habitual intemperance, and vagrancy must be decided in said court by a jury, before the indenture can take effect, and an indorsement on the indenture, under seal of the court, that the charge or charges are proved, is sufficient evidence of the mother's power to give such consent; but if the jury does not find the charge or charges to be true, the person at whose instance such proceedings may have been had must pay all costs attending the same.

Jury trial as to facts of incapacity, etc., of parent, before indenture can take effect.

268. When a minor is poor, homeless, chargeable to the county or state, or an outcast who has no visible means of obtaining an honest livelihood, the superior court may, with his consent, bind him as an apprentice during his minority. Proceedings therefor may be instituted by any citizen, and no fee must be charged by any officer for any act in connection therewith. In all indentures by the court for binding out an orphan or homeless minor as an apprentice there must be inserted, among other things, a clause to the following effect: that the master to whom such minor is bound must cause him to be taught to read and write and the ground rules of arithmetic, ratio and proportion, and must give him the requisite instruction in the different branches of his trade or

Apprenticing of poor and homeless children.

calling, and, at the expiration of his term of service, must give him or her fifty dollars in gold, and two whole new suits of clothes, to be worth in the aggregate at least sixty dollars gold.

Master must keep apprentice within state and deliver him money, etc.

269. A master must not remove his apprentice out of the state, and must pay and deliver to him the money, clothes, and other property to which he is entitled under the indenture of apprenticeship, to be held by him as his sole property.

Inquiry into treatment of minor apprentices.

270. Parents and guardians and such court must, from time to time, inquire into the treatment of children bound by them respectively, or with their approval, and the judges of such courts are responsible for the charge of apprentices bound by a court or with its approval, and must defend them from all cruelty, neglect, breach of contract, or misconduct on the part of their masters.

Court to hear complaints of apprentices.

271. The superior court must hear the complaints of apprentices who reside within the county against their masters, alleging undeserved or immoderate correction, insufficient allowance of food, raiment, or lodging, want of instruction in the different branches of their trade or calling, or that they are in danger of being removed out of the state, or any violation of the indenture of apprenticeship, and the court must hear and determine such case and make such order therein as will relieve the party in the future.

Court's power to discharge an apprentice.

272. The superior court has power, where circumstances require it, to discharge an apprentice from his apprenticeship, and, in case any money or other thing has been paid or contracted to be paid by either party in relation to the apprenticeship, the court must make such order concerning the same as seems just and reasonable. If the apprentice so discharged was originally bound by the superior court, it must, if found necessary, again bind such minor, if under age.

Order of court.

Liability of master for breach of covenant.

273. Every master is liable to an action on the indenture for a breach of any covenant thereof on his part. All damages recovered in such action, after deducting necessary charges in its prosecution, belong to the minor, and must be applied and appropriated to his use by the person recovering it in his behalf, and must be paid to the minor, if a male, at the age of twenty-one years, and if a female, at the age of eighteen years. If no action is brought during the minority of the apprentice, it may be commenced by him in his own name at any time within two years after his coming of age.

Liability of apprentice guilty of misconduct, etc.

Proceedings against.

274. An apprentice who is guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, is liable to the complaint of his master in the superior court of the county wherein the apprentice resides. Such complaint must set forth the circumstances of the case, and have attached thereto a citation, signed by the clerk of the court, requiring him and all persons who have covenanted in his behalf to appear and answer the complaint within ten days after the service thereof. The complaint and citation must be served in the manner required for serving civil process. When the

Service of complaint.

parties have answered, or when, though they have not answered, the time therefor allowed after the service of the complaint has expired, the court must proceed to hear and determine the cause, and, if the evidence warrants it, may render judgment that the master be discharged from the contract of apprenticeship and for costs of suit. Such costs may be recovered from the parent or guardian of the minor, if there is any who signed the indenture, and execution therefor may issue accordingly. If there is no parent or guardian liable for such cost, execution may be issued therefor against the minor, or the amount thereof may be recovered in an action against him after he arrives at full age. He is also liable to the master in an action on the indenture for the breach of any covenant on the part of the apprentice contained therein, committed before the master was discharged from the indenture.

Hearing and judgment of court.

Costs, how recovered.

275. It is unlawful for any person to entice, counsel, or persuade to run away any apprentice, or to harbor, or conceal him, knowing him to be a runaway. Any party so offending is guilty of a misdemeanor, and may be fined not more than one hundred dollars, to be recovered by the master in any court having jurisdiction.

Enticing away of apprentice.

Penalty.

276. Whenever any master wishes to remove out of the state, or to quit his trade or business, he must appear with his apprentice before the superior court of the county in which the latter resides, and if the court is satisfied that the master has done justice to the apprentice for the time he has had charge of him, the court has power to discharge the master from the indenture and to again bind the apprentice, if necessary.

Release of master removing out of state or retiring from business.

## CHAPTER CDXVIII.

*An act to repeal section three hundred and ninety-nine and to amend sections four hundred and four hundred and one of the Civil Code, Chapter V relating to the dissolution and extension of the term of existence of corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and ninety-nine of the Civil Code is hereby repealed.

Section 399 repealed.

SEC. 2. Section four hundred of said code is hereby amended to read as follows:

400. Unless other persons are appointed by the court, the directors or managers of the affairs of a corporation at the time of its dissolution are trustees of the creditors and stockholders or members of the corporation dissolved, and have full power to settle the affairs of the corporation.

Corporations, directors are trustees of creditors, when dissolved, except.

SEC. 3. Section four hundred and one of said code is hereby amended to read as follows:

Extension of corporate existence.

How made.

Certificate filed with county clerk.

Certified copy with secretary of state.

401. Every corporation formed for a period less than fifty years, may, at any time prior to the expiration of the term of its corporate existence, extend such term to a period not exceeding fifty years from its formation. Such extension may be made at any meeting of the stockholders or members called by the directors expressly for considering the subject if voted by stockholders representing two thirds of the capital stock; or by two thirds of the members; or may be made upon the written assent of two thirds of the members or of stockholders representing two thirds of the capital stock. A certificate of the proceedings of the meeting upon such vote, or upon such assent, must be signed by the chairman and secretary of the meeting and a majority of the directors, and be filed in the office of the county clerk where the original articles of incorporation were filed, and a certified copy thereof in the office of the secretary of state, and thereupon the term of the corporation is extended for the specified period.

## CHAPTER CDXIX.

*An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Lighting streets, etc., in municipalities.

Power of city council.

SECTION 1. Whenever the public interest or convenience may require, the city council of any municipality in the state shall have full power and authority to order poles, posts, wires, pipes, conduits and lamps, or any of said appliances, or any other suitable and necessary appliances, to be installed in and along the whole or any part of any public street, lane, alley, court or place in such municipality, for the purpose of lighting the same; also to order appliances in and along the same, installed under this act, or otherwise installed and owned or controlled by such municipality, to be maintained; and also to order gas, electric current, or other illuminating agent, to be furnished for such lighting: in the manner and under the proceedings hereinafter described.

Resolution of intention.

SEC. 2. Before ordering any improvement to be made, which is authorized by section one of this act, the city council shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, which may

include the whole or any part of one or more streets, lanes, alleys, courts or places, and specifying the exterior boundaries of the district to be benefited by said improvement and to be assessed to pay the cost and expenses thereof, and to be known as the assessment district. Said proposed improvement may include any or all of the different kinds of work mentioned in section one of this act; *provided, however*, that the maintenance of appliances or the furnishing of gas, electric current or other illuminating agent, shall be for a period stated in the resolution of intention, but not exceeding two years. The city council shall also, in the same resolution, refer the proposed improvement to the city engineer, if there be one, and if not, to some competent person employed by the municipality for the purpose and named in said resolution, and direct him to make and file with the clerk of the city council a report in writing presenting the following:

Referred to  
city  
engineer.  
  
Duty of  
engineer..

1. Plans and specifications for the work required in order to make said improvements;

Report,  
what to  
contain.

2. An estimate of the cost of said improvement and of the incidental expenses in connection therewith;

3. A diagram showing the district above referred to, and also the boundaries and dimensions of the respective subdivisions of the land within said district, each of which subdivisions shall be given a separate number in red ink upon said diagram.

4. A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvement. Said assessment shall refer to such subdivisions upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

Assess-  
ments for  
improve-  
ments.

In any municipality having a board of public works created by its charter or by law, the proposed improvement shall be referred to said board, and the report provided for herein shall be made by said board.

Board of  
public  
works.

SEC. 3. Upon the filing of the report provided for in section two of this act, the said clerk shall present the same to the city council for consideration, and said council may modify the same in any respect, and, in case of any such modification, the report as modified shall stand as the report for the purpose of all subsequent proceedings. Thereafter the council, by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall not be less than twenty days from the date of the passage of said resolution, and shall direct the clerk of the city council to give notice of said hearing, and shall designate the newspaper in which such notice shall be published.

Action of  
city coun-  
cil upon  
report.

Time and  
place of  
hearing  
protests.

Publica-  
tion of  
notice.

Posting  
notice of  
resolution  
of inten-  
tion.

SEC. 4. After the passage of the resolution mentioned in section three of this act, the clerk of said city council shall cause to be conspicuously posted along all streets and parts of streets within the assessment district described in the resolution of intention, at not more than three hundred feet in distance apart, notices (not less than three in all), of the passage of said resolution of intention and of the filing of said report. Said notices shall be headed "Notice of Local Improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said resolution of intention and of the filing of said report, and the date set for the hearing of said protests, and briefly describe the improvement proposed, and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published for a period of two days in a daily newspaper published and circulated in said municipality, and designated by said city council for that purpose, or if there is no daily newspaper in said municipality, then by two successive insertions in a weekly paper, so published, circulated and designated. Said notices must be posted and published, as above provided, at least ten days before the date set for the hearing of said protests.

Notice of  
local  
improve-  
ment.

Publica-  
tion of  
notice.

Written  
protest  
may be  
filed.

SEC. 5. Any person interested, objecting to said improvement, or to the extent of the assessment district, or to the proposed assessment provided for in section two of this act, may file a written protest with the clerk of the city council at or before the time set for the hearing referred to in section three hereof. The clerk shall indorse on every such protest the date of its reception by him, and at the time appointed for the hearing above provided for, shall present to said city council all protests so filed with him. If such protests are against said improvement and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said resolution of intention shall be barred and no new resolution of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the meantime petition therefor. If such protests are against the improvement and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are against the extent of the assessment district, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive, and if such protests are sustained the proceedings shall be abandoned,

Effect of  
protests.

Hearing of  
certain  
protests.



but may be renewed at any time, and if such protests are denied, the proposed assessment shall be confirmed. If such protests are against the proposed assessment, the council shall hear said protests at the time appointed therefor as above provided, or at any time to which the hearing thereof may be adjourned, and may confirm, modify or correct said proposed assessment. When, upon the hearing, said proposed assessment is confirmed, modified or corrected, or in case no protests are filed, the report provided for in section two hereof shall be adopted as a whole, with any modifications or corrections that have been made therein, and the city council shall by resolution, order said proposed improvement to be made, and declare its action upon said report and assessment, which resolution shall be final and conclusive on all persons, and the assessment shall be thereby levied upon the respective subdivisions of land in the assessment district.

Adoption  
of report.Improvements  
ordered  
made.

SEC. 6. The validity of an assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such an action or proceeding must be perfected within thirty days after the entry of such judgment.

Validity  
of assessment  
not  
to be  
contested,  
unless.

SEC. 7. Upon the passage of the resolution provided for in section five hereof, the clerk of said city council shall transmit to the tax collector of the municipality, the diagram and assessment provided for in subdivisions 3 and 4 of section two hereof, and any modifications or corrections thereof made by said city council.

Diagram  
and assessment  
transmitted  
to tax  
collector.

SEC. 8. Upon the receipt of the diagram and assessment referred to in the last preceding section, the tax collector of the municipality shall record the same in a substantial book, to be kept for that purpose, in his office, and shall thereupon fix a day not less than twenty, nor more than thirty, days from the date of the receipt by him of said diagram and assessment, after which all assessments unpaid shall become delinquent and ten per cent shall be added to the amount thereof, and shall also fix a day for the sale of the various parcels of land within said district upon which the assessments are unpaid, which said date shall be not less than fifty days nor more than sixty days from the date of the receipt by him of said diagram and assessment.

Duty of tax  
collector.

SEC. 9. Notice of the sale of property upon which the said assessments are delinquent shall be given by said tax collector by posting and publication in the manner now provided by the general laws of the State of California, for giving notice of sale of real estate upon execution, *provided, however,* that the descriptions of the various parcels of land need not be set out at length, but only by the respective numbers of the same as they appear upon the assessment and diagram, which shall be properly referred to in said notice, and said descriptions shall all be contained in one

Sale of  
property  
upon  
which as-  
sessment  
are delin-  
quent.

notice. At the time and place fixed for the sale of said property, the tax collector shall separately sell the respective parcels of land within said district, the assessments against which have not been paid, or so much of each parcel as shall be necessary to realize the amount assessed against said parcel, said ten per cent penalty for delinquency, and its proportion of the expenses of sale, in the order of their numbers upon said diagram. At said sale the municipality may be a purchaser.

**SEC. 10.** The tax collector shall issue for each sale an original and a duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate he shall deliver to the purchaser, and the duplicate he shall keep on file in his office in the form of a stub in the certificate book.

**SEC. 11.** At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty-five per cent of said amount. Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

**SEC. 12.** If the property is sold, and is not redeemed within said period of one year from the date of the sale, the tax collector shall execute to the person named in the original certificate, or to his assignee, a deed of the property described in said certificate, which said deed shall refer in general terms to the proceedings under which the same is issued, and shall contain a description of the property. Such deed shall convey title in fee to said property, and the grantee is immediately, upon the receipt thereof, entitled to possession of the property described therein.

**SEC. 13.** The funds collected by the tax collector under the proceedings herein provided for, either upon voluntary payment, or as the result of sales, shall be paid by said tax collector, as fast as collected, to the treasurer of said municipality, who shall place the same in a special fund designated by the number or name of the proceeding, and payments shall be made out of said special fund only for the purposes provided for in this act. To expedite the making of any such improvement, the city council may at any time transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund and shall be repaid out of the proceeds of the assessments provided for in this act.

Parcels of land to be sold separately.

Municipality may be purchaser.

Original and duplicate certificate of sale issued.

Redemption of property.

Deed to property not redeemed.

Disposition of funds collected.

Transfer of money from general fund as a loan.

SEC. 14. At any time after the funds for the work, or any part of the work, shall be in the hands of said treasurer, the city council may let the contract or contracts for such work, or the respective parts thereof. Every such contract shall be let to the lowest responsible bidder, after notice published by two insertions in some newspaper published in such municipality and designated by the city council for that purpose, or if there be no such newspaper, then by such posting as the city council may provide. Every bid shall be accompanied by a certified check, amounting to ten per cent of the bid, payable to the order of the clerk of said city council, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within ten days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sum as the city council shall require, with sureties satisfactory to said council. The contract must provide that the work shall be done, and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in sections two and three of this act. The work must be done under the supervision of the board, officer or person by whom the report provided for in section two of this act was made, and no work shall be paid for until it has been accepted by said board, officer or person and by said city council. If the contractor abandons the work or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof, and retain the cost of the same, and also any expense incidental to the reletting, out of any funds due or to become due to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond.

Contracts for work.

Let to lowest bidder after publication.

Bids to be accompanied by certified check.

Deposit forfeited, when.

Work, when and how performed.

Not paid for until accepted.

Work abandoned contract may be relet.

Original contractor responsible for damages.

SEC. 15. In case the first assessment for any improvement provided for in this act proves insufficient, a supplemental assessment may be made to raise the deficit, in the same manner as nearly as may be, as the first assessment, except that protests may only be made to such supplemental assessment, and so on until sufficient money shall have been realized to pay for such improvement.

Supplemental assessment may be levied.

SEC. 16. If at any time an assessment for any such improvement shall realize a larger sum than is necessary therefor, the excess shall be refunded pro rata to the parties by whom it was paid.

Return of excess assessment.

SEC. 17. Every special assessment levied under this act shall, from the date of the levy thereof, be a lien upon the land upon which it is levied paramount to all other liens, except prior assessments and taxation, and such lien shall continue until such special assessment is paid, or until the property is sold and a deed is made therefor to the purchaser

Special assessment a lien upon land.

as hereinbefore provided, and all parties shall have constructive notice of such lien from the date of the passage of the resolution referred to in section five hereof.

Definition of certain words.

SEC. 18. The following words and phrases shall, where used in this act, have the following meanings:

(1) The term "improvement" includes all work and improvements mentioned in section one of this act.

(2) The terms "municipality" and "city" include every incorporated city, city and county, or other corporation organized for municipal purposes.

(3) The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any city.

(4) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payments of the city funds.

(5) The term "city engineer" includes any person or officer who has charge of the surveying and engineering work of said city.

SEC. 19. This act shall take effect and be in force from and after its passage.

## CHAPTER CDXX.

*An act to amend section four hundred and twenty-eight of the Civil Code, relating to fire and marine insurance corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and twenty-eight of the Civil Code is hereby amended to read as follows:

Corporations, fire and marine; amount of risk to be taken by.

428. Fire and marine insurance corporations must never take, on any one risk, whether it is a marine insurance or an insurance against fire, a sum exceeding one tenth part of their capital actually paid in, and intact at the time of taking such risk, without at once reinsuring the excess above one tenth.

## CHAPTER CDXXI.

*An act to repeal sections four hundred and thirty-one and four hundred and forty-eight of the Civil Code, and to add thereto a new section, to be numbered four hundred and fifty-two, all relating to life, health and accident insurance corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and thirty-one of the Civil Code is hereby repealed. Sections 431 and 448 repealed.

SEC. 2. Section four hundred and forty-eight of said code is hereby repealed.

SEC. 3. A new section is hereby added to said code, to be numbered four hundred and fifty-two, and to read as follows:

452. No corporation formed under the laws of this state, and transacting life insurance business, must make any dividends, except from profits remaining on hand after retaining unimpaired: Corporations, life insurance. Dividends, how made.

1. The entire capital stock;

2. A sum sufficient to pay all losses reported or in course of settlement, and all liabilities for expenses and taxes;

3. A sum sufficient to reinsure all outstanding policies, as ascertained and determined upon the basis of the American experience table of mortality, and interest at the rate of four and one half per cent per annum.

## CHAPTER CDXXII.

*An act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A chapter is hereby added to Title II of Part IV of Division First of the Civil Code to read as follows:

## CHAPTER V.

## CORPORATIONS TO DISCOVER FIRE AND SAVE PROPERTY AND HUMAN LIFE FROM DESTRUCTION THEREBY.

Sec. 453a. Powers of the corporation.

Sec. 453b. Right of way of corporation and its officers when running to fires.

Sec. 453c. Yearly meeting of corporation, notice to be given thereof, and proceedings which may be authorized thereat.

453a. Any corporation of underwriters heretofore organized and now existing, or which may be hereafter organized under the laws of this state, for the purpose of discovering Corporations, underwriters; powers of.

and preventing fires and of saving property and human life from conflagration, and doing business within any municipal corporation of this state, has power, at its own proper cost and expense, to maintain a corps of men, with proper officers, equipped with the necessary machinery and apparatus therefor, whose duty it is, so far as practicable, to discover and prevent fires and save property and human life from conflagration; and for the effective discharge of such duties, authority is hereby granted such corps to enter any building on fire, or in which property is on fire, or which such corps or any officer thereof deems to be immediately exposed to any existing fire, or in danger of taking fire from a burning building, and to remove or otherwise save and protect from conflagration or damage by water any property, during and immediately after such fire. Nothing in this chapter must be so construed as in any degree to lessen, impair, or interfere with the powers, privileges, duties, or authority of the regular fire department of such municipality; nor can any act of such corps justify any owner of any building or property in abandoning such building or property.

Not to interfere with fire departments.

Right of way when running to fires.

453b. Such corporation, with its officers and corps, when running to a fire with its horses, vehicles, and salvage apparatus, has the same right of way as is or may be bestowed by any ordinance of the municipality or law of this state upon the regular fire department of the municipality wherein such corporation is acting; but the rights of such fire department must always be paramount to the rights of such corporation.

Certain laws and ordinances governing fire departments to govern.

All ordinances now existing or which may hereafter be passed by the municipal authorities of any city and county, or of any incorporated city or town wherein such a corporation may carry on business, and all laws of this state applicable to such city and county, or city or town, for the conviction or punishment of any person or persons willfully or carelessly obstructing the progress of the apparatus of the fire department of such city and county, or city or town, while going to a fire, or of any person or persons willfully or carelessly injuring any animal or property of said fire department, are equally applicable to any person or persons willfully or carelessly obstructing the progress of the apparatus of such corporation while going to a fire, and to any person or persons who willfully or carelessly injures any animal or property of such corporation; and said laws and ordinances, and their penalties, may be enforced in the same courts and in the same manner, and with equal force and effect, as in the case of the fire department.

Who may be present and vote at meetings.

453c. In the month of July, in every year, there must be held a meeting of all corporations created for the purposes specified in this chapter; of which ten days' previous notice must be inserted in at least one daily newspaper published in the municipality where said corporation is organized or established, at which meeting each insurance company, corporation, association, underwriter, agent, person, or persons

doing a fire insurance business in said municipality, whether members of said corporation or not, shall have a right to be represented, and shall be entitled to one vote. A majority of the whole number so represented has power to decide upon the question of sustaining the fire patrol organized by corporations heretofore created, or that may be hereafter created, and fixing the maximum amount of expenses which may be incurred therefor during the fiscal year next to ensue, which amount must in no case exceed two per centum of the aggregate premiums returned as received, as provided in this section, and the whole of such amount, or so much thereof as may be necessary, may be assessed upon all insurance companies, corporations, associations, underwriters, agents, person, or persons who assume risks and accept premiums for fire insurance in said municipality, as hereinbefore mentioned, in proportion to the several amounts of premiums returned, as received by each, as hereinafter provided, and such assessment is collectible by and in the name of said corporation, in any court of law in the State of California having jurisdiction, in such manner and at such time or times as said corporation may determine. In order to provide for the payment of persons employed by said corporation, and to maintain suitable rooms, and apparatus for saving life and property contemplated, said corporation is empowered to require a statement to be furnished, semi-annually, by all insurance companies, corporations, associations, underwriters, agents, or persons, of the aggregate amount of premiums received for insuring property in the municipality where said corporation is organized or established, for and during the six months next preceding the first day of July and the first day of January of each year, which statement must be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting or effecting such insurance in said municipality, and must be handed to the secretary of said corporation heretofore created or hereafter to be created under the provisions of this chapter within ten days after the first day of July and the first day of January of each year. Said secretary must, within the ten days aforesaid, by written or printed demand signed by him, require from every insurance company, corporation, association, underwriter, agent, or person engaged in the business of fire insurance in the municipality where said corporation is organized or established, the statement hereinbefore provided for. Such demand may be delivered personally at the office of such insurance company, corporation, association, underwriter, agent, or person within said municipality, and every officer of such insurance company, corporation, association, and every such underwriter, agent, or person, who, for fifteen days after said demand, neglects to render the statement herein provided for, forfeits fifty dollars for the use of said corporation, and also forfeits for its use twenty-five dollars in addition for every day he so neglects after the expiration

Power of majority present.

Expenses of corporation to be paid by insurance companies.

Assessment, how collected.

Payment of employees, etc., how provided for.

of the said fifteen days, and such additional penalty may be computed and collected up to the time of the trial of any action brought for the recovery thereof. The penalty herein provided for may be sued for and collected, with costs, in any court of law within the State of California having jurisdiction, by and in the name of said corporation.

CHAPTER CDXXIII.

*An act to amend sections four hundred and sixty-eight, four hundred and eighty-one, and four hundred and eighty-nine of the Civil Code, and to add two new sections thereto to be numbered four hundred and sixty-five a and four hundred and seventy-three a, all relating to railroad corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to said code, to be numbered four hundred and sixty-five a, and to read as follows:

Corporations, railroad.

What motive power may be used.

Authority must be obtained.

465a. Every person or corporation now or hereafter authorized to operate a railroad by steam motive power, is also authorized to use electricity or compressed air, or both, either with or without such steam, for the purpose of propelling cars or trains on such railroad or upon any portion thereof. In incorporated cities, towns, or cities and counties having more than five thousand inhabitants, authority must be obtained from the legislative authority thereof.

SEC. 2. Section four hundred and sixty-eight of said code is hereby amended to read as follows:

Construction of road must be commenced and continued

When completed must be operated

Right to operate forfeited, when.

When considered in operation

468. Every railroad corporation must, within two years after filing its original articles of incorporation, begin the construction of its road, and must every year thereafter complete and put in full operation at least five miles of its road, until the same is fully completed; and upon its failure so to do, for the period of one year, its right to extend its road beyond the point then completed is forfeited. After the completion of any railroad, or any part thereof, capable of being operated, its owner must operate it, and upon his failure to keep it, or any part thereof, in full operation for the period of six months, his right to operate it in whole or in part, as the case may be, is forfeited, and the lands occupied for the purposes of the road, so far as the same is not operated, revert to the original owners or their successors in interest. A railroad is in full operation when one passenger train, or one mixed train, is run over it once a day in each direction and a sufficient number of freight trains



to accommodate the traffic on the road. If a railroad is wholly constructed at an elevation of five thousand feet or more above the level of the sea, its owner is not required to maintain and operate it, nor to run passenger or other trains thereon, between the fifteenth of October of any year and the fifteenth of May of the year following. This section must not be construed to require the operation of a road when prevented by the act of God, nor when the operation of the road, together with its branch and trunk lines, does not yield income sufficient to defray the expenses of maintaining and operating it in connection with its branch and trunk lines. The railroad commissioners have the power to examine and determine whether a railroad, together with its branch and trunk lines, yields income sufficient to operate the same.

If over a certain elevation, when required to operate.

Exceptions.

SEC. 3. A new section is hereby added to said code, to be numbered four hundred and seventy-three *a*, and to read as follows:

473*a*. Railroad corporations doing business in this state and organized under any law of this state or the United States, or of any state or territory thereof, have power to enter into contracts with one another, whereby the one may lease of the other the whole or any part of its railroad, or may acquire of the other the right to use, in common with it, the whole or any part of its railroad.

Right to lease or use another road in common.

SEC. 4. Section four hundred and eighty-one of said code is hereby amended to read as follows:

481. Every such corporation must start and run its cars, for the transportation of persons and property, at such regular times as it shall fix by public notice, and must furnish sufficient accommodations for the transportation of all such passengers and property as, within a reasonable time previous thereto, offer or are offered for transportation, at the place of starting, at the junction of other railroads, and at siding and stopping-places established for receiving and discharging way passengers and freight; and must take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of tolls, freight, or fare therefor.

Time of running cars fixed by public notice.

Sufficient accommodations to be furnished.

SEC. 5. Section four hundred and eighty-nine of said code is hereby amended to read as follows:

489. Whenever the board of railroad commissioners, in the discharge of its duties, establishes or adopts rates of charges for the transportation of passengers and freight, pursuant to the provisions of the constitution, said board must serve a printed schedule of such rates, and of any changes that may be made in such rates, upon the person, co-partnership, company, or corporation affected thereby; and upon such service it is the duty of such person, co-partnership, company, or corporation to immediately cause copies of the same to be posted in all its offices, station houses, warehouses, and landing offices affected by such rates, or

Rates of charges established by railroad commissioners

Notice served.

change of rates, in such manner as to be accessible to public inspection during usual business hours. Said board must also make such further publication thereof as it deems proper and necessary for the public good. If the party to be served is a corporation, such service may be made upon the president, vice-president, secretary, or managing agent thereof, and if a co-partnership, upon any partner thereof. The rates of charges established or adopted by said board, pursuant to the constitution and the laws of this state, must go into force and effect on the twentieth day after service of such schedule of rates, or changes in rates, upon the person, co-partnership, company, or corporation affected thereby.

Publica-  
tion

Service of  
notice,  
how made.

Rates to  
take effect,  
when

#### CHAPTER CDXXIV.

*An act to amend section four hundred and ninety-three of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions,  
railroad.

Law to  
apply to.

SECTION 1. Section four hundred and ninety-three of the Civil Code is hereby amended to read as follows:

493. The provisions of section four hundred and ninety-two shall apply to any railway corporation heretofore or hereafter incorporated.

#### CHAPTER CDXXV.

*An act to repeal section four hundred and ninety-four of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this state of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this state, or of any other state or territory, or under any act of congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions,  
railroad.

Repeal of  
certain act  
relating to  
sale of  
franchise,  
etc.

SECTION 1. Section four hundred and ninety-four of the Civil Code, as approved March 22, 1899, is hereby repealed; provided, that nothing in this act contained shall be deemed to repeal any of the provisions of section 494 of said code as approved February 27, 1903.

CHAPTER CDXXVI.

*An act to amend sections five hundred and thirteen, five hundred and fourteen, five hundred and seventeen, five hundred and eighteen, and five hundred and twenty-two of the Civil Code, all relating to wagon road corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and thirteen of the Civil Code is hereby amended to read as follows:

Corporations, wagon road.

513. When the route is surveyed a map thereof must be submitted to and filed with the board of supervisors of each county through or into which the road runs, giving its general course, and the principal points to or by which it runs, and its width, which must in no case exceed one hundred feet, and the supervisors must either approve or reject the survey. If approved, it must be entered of record on the journal of the board, and such approval authorizes the use of all public lands and highways over which the survey runs; but the board of supervisors must require the corporation, at its own expense, and the corporation must so change and open the highways so taken and used as to make the same as good as before the appropriation thereof; and must so construct all crossings of public highways over and by its road and toll gates, as not to hinder or obstruct the use of the same.

Survey and map of road filed with supervisors.

Survey, if approved.

Construction of crossings.

SEC. 2. Section five hundred and fourteen of said section is hereby amended to read as follows:

514. All wagon road corporations may bridge or keep ferries on streams on the line of their road, and must do all things necessary to keep the same in repair. They may take such tolls only on their roads, ferries, or bridges, as are fixed by the board of supervisors of the proper county through which the road passes, or in which the ferry or bridge is situate. But in no case must the tolls be more than sufficient to pay fifteen per cent, nor less than ten per cent per annum, on the cost of construction, after paying for repairs and other expenses for attending to the roads, bridges, or ferries. If tolls, other than as herein provided, are charged or demanded, the corporation forfeits its franchise, and must pay to the party so charged one hundred dollars as liquidated damages.

Bridges or ferries on line of.

Tolls.

Tolls, limit of.

Franchises forfeited, when.

SEC. 3. Section five hundred and seventeen of said code is hereby amended to read as follows:

517. Each toll-gatherer may prevent from passing through his gate any person, animal, or vehicle, subject to toll, until the toll authorized to be collected for such passing has been paid.

Persons detained until toll is paid.

SEC. 4. Section five hundred and eighteen of said code is hereby amended to read as follows:

Persons unnecessarily detained or overcharged, damages.

518. Every toll-gatherer who, at any gate, unreasonably hinders or delays any traveler or passenger or any vehicle or animal liable to the payment of toll, or demands or receives from any person more than he is authorized to collect, for each offense forfeits the sum of twenty-five dollars to the person aggrieved.

SEC. 5. Section five hundred and twenty-two of said code is hereby amended to read as follows:

Property may be mortgaged or hypothecated.

522. The corporation may mortgage or hypothecate its road and other property for funds with which to construct or repair its road, but no mortgage or hypothecation is valid or binding unless at least twenty-five per cent of the capital stock subscribed has been paid in and invested in the construction of the road and appurtenances, and then only after an affirmative vote of two thirds of the capital stock subscribed.

CHAPTER CDXXVII.

*An act to add a new section to the Civil Code to be numbered five hundred and twenty-four, relating to franchises for the construction of paths and roads for the use of horseless vehicles.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered five hundred and twenty-four, and to read as follows:

Franchises granted for construction of roads for use of horseless vehicles.

524. The legislative or other body to whom is intrusted the government of any county, city and county, city, or town, may, under such regulations, restrictions, and limitations as it may provide, subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated, or depressed, on, over, across, or under the streets and public highways of any such county, city, or town, for the use of bicycles, tricycles, motorcycles, and other like horseless vehicles, for a term not exceeding fifty years. In incorporated cities no franchise must be granted for the purpose herein expressed, unless the consent in writing of the owners of a majority of the frontage upon the road or street along which said path or road is sought to be constructed, is first had and obtained, and filed with such legislative or governing body.

CHAPTER CDXXVIII.

An act to amend sections five hundred and twenty-eight, five hundred and twenty-nine, and five hundred and thirty of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

[Approved March 21, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and twenty-eight of the Civil Code is hereby amended to read as follows:

Corporations, ferry, bridge, etc.

528. No corporation must construct, or take tolls on, a bridge, ferry, wharf, chute, or pier until authority is granted therefor by the supervisors, or other governing body having authority in that behalf.

Toll not be collected without authority.

SEC. 2. Section five hundred and twenty-nine of said code is hereby amended to read as follows:

529. Every such corporation ceases to be a body corporate:

Corporate existence ceases, when.

1. If, within six months from filing its articles of incorporation, it has not obtained such authority from the board of supervisors, or other governing body having authority in that behalf; and if, within one year thereafter, it has not commenced the construction of the bridge, wharf, chute, or pier, and actually expended thereon at least ten per cent of the capital stock of the corporation;

2. If, within three years from filing the articles of incorporation, the bridge, wharf, chute, or pier is not completed;

3. If, when the bridge, wharf, chute, or pier of the corporation is destroyed, it is not reconstructed and ready for use within three years thereafter;

4. If the ferry of any such corporation is not in running order within three months after authority is obtained to establish it, or if at any time thereafter it ceases for a like term consecutively to perform the duties imposed by law.

SEC. 3. Section five hundred and thirty of said code is hereby amended to read as follows:

530. The president and secretary of every bridge, ferry, wharf, chute, or pier corporation must annually, under oath, report to the board of supervisors, or other governing body having authority in that behalf, of the county in which the articles of incorporation are filed:

Annual report to supervisors.

1. The cost of constructing and providing all necessary appendages and appurtenances for its bridge, ferry, wharf, chute, or pier;

Report to contain, what.

2. The amount of all moneys expended thereon, since its construction, for repairs and incidental expenses;

3. The amount of its capital stock, how much paid in, and how much actually expended thereof;

4. The amount received during the year for tolls, and from all other sources, stating each separately;

5. The amount of dividends made, and the indebtedness of the corporation, specifying for what it was incurred;

6. Such other facts and particulars respecting the business of the corporation, as the board of supervisors or other governing body having authority in that behalf may require.

Publica-  
tion of  
report.

This report the president and secretary must cause to be published for four weeks in a daily newspaper published nearest the bridge, ferry, wharf, pier, or chute, if required by order of the board of supervisors or other governing body having authority in that behalf. A failure to make such report subjects the corporation to a penalty of two hundred dollars, and for every week permitted to elapse after such failure an additional penalty of fifty dollars, payable in each case to the county from which the authority of the corporation was derived. All such cases must be reported by the board of supervisors, or other governing body having authority in that behalf, to the district attorney or city attorney, who must commence an action therefor.

Failure to  
report,  
penalty.

Duty of  
district  
attorney  
or city  
attorney.

#### CHAPTER CDXXIX.

*An act to amend sections five hundred and forty-nine and five hundred and fifty-one, and to repeal section five hundred and fifty of the Civil Code, all relating to water and canal corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions,  
water and  
canal.

SECTION 1. Section five hundred and forty-nine of the Civil Code is hereby amended to read as follows:

Must fur-  
nish water  
for family  
use upon  
demand.

549. All corporations formed to supply water to cities or towns must furnish pure fresh water to the inhabitants thereof, for family uses, so long as the supply permits, at reasonable rates and without distinction of persons, upon proper demand therefor; and must furnish water to the extent of their means, in case of fire or other great necessity, free of charge. The board of supervisors, or the proper city or town authorities, may prescribe proper rules relating to the delivery of water, not inconsistent with the laws of the state.

Rules may  
be pre-  
scribed.

Section 550  
repealed.

SEC. 2. Section five hundred and fifty of said code is hereby repealed.

SEC. 3. Section five hundred and fifty-one of said code is hereby amended to read as follows:

Construc-  
tion of  
canal, etc.

551. No canal, flume, or other appliance for the conducting of water must be so laid, constructed, or maintained as to obstruct any public highway; and every person or

corporation owning, maintaining, operating, or using any such canal, flume, or appliance, crossing or running along any public highway, must construct, maintain, and keep in repair such bridges across the same as may be necessary to the safe and convenient use of such highway by the public; and on failure so to do, the board of supervisors of the county, after seven days notice in writing to said person or corporation, may construct or repair such bridge or bridges, and recover of such person or corporation the amount of the expenditure made in so doing.

Construction and repair of bridges.

Supervisors may construct bridge, and recover therefor.

## CHAPTER CDXXX.

*An act to add a new section to the Civil Code to be numbered five hundred and eighty-three b, to repeal an act entitled "An act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an act entitled "An act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered five hundred and eighty-three b, and to read as follows:

Corporations, banking.

583b. The president of every savings bank, savings and loan society, and every other bank, depository, society, or institution in which deposits of money are made, whether any interest or dividend is paid, or agreed to be paid, thereon or not, must, within fifteen days after the first day of January of every odd-numbered year, return to the board of bank commissioners a sworn statement showing the amount placed to his credit, the last known place of residence or postoffice address, and the fact of death, if known to such president, of every depositor who has not made a deposit therein or withdrawn therefrom any part of his deposit, or any part of the interest or dividends thereon, for a period of more than ten years next preceding. Such president must give notice of these deposits in one or more newspapers published in or nearest the town, city, or city and county where such bank, society, or other institution is situated or has its principal place of business, at least once a week for four successive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. This section does not apply to any deposit made by

Must biennially report to bank commissioners statement of unclaimed deposits.

Publication of statement.

or in the name of a person known to the president to be living, or which, with the accumulation thereon, is less than fifty dollars. The board of bank commissioners must incorporate in their subsequent report each return made to them as provided in this section. Any president of any of the institutions mentioned in this section who neglects or refuses to make the sworn statement required thereby is guilty of a misdemeanor.

Bank commissioners to report.

Penalty for failure to report.

Repeal of former acts.

SEC. 2. The act entitled "An act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, is hereby repealed.

SEC. 3. The act entitled "An act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits" approved February 25, 1897 is hereby repealed.

#### CHAPTER CDXXXI.

*An act to amend section 215 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section 215 of an act entitled "An act to establish a uniform system of county and township government," approved April 1st, 1897, is hereby amended to read as follows:

Salaries and fees full compensation.

Section 215. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers herein named either as officers or ex-officio officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; *provided*, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an act entitled "An act to establish a uniform system of county and township government," approved March twenty-fourth, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided;

Salaries of deputies, etc.

Assistant district attorney.



the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this act; *provided, however*, that in counties and cities and counties of the first, second, and third class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; nor shall the license collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him except the commissions on state liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him, and *provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided* that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided* that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this act; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided

Assessor's commissions.

License collector's commissions.

No commission for assessor in first, second, and third classes.

No commission for tax collector in first and second classes.

Treasurer's commissions.

Special attorney.

Deputy sheriff.

Courtroom clerk.

Allowance to sheriffs.

Boarding prisoners.

Conveying prisoners and insane.

for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners, collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state. *Provided further* that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section 3866 Political Code, shall exceed the maximum amount of mileage allowed them by section 3876 of the Political Code, shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid.

Expenses for keeping property.

Treasurer to be allowed expenses in making state settlements.

## CHAPTER CDXXXII.

*An act to repeal Title XI of Part IV of Division First of the Civil Code and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Repealed. SECTION 1. Title XI of Part IV of Division First of the Civil Code and each and every section of said title are hereby repealed, and a new Title XI is substituted in place thereof in said code, to read as follows:

### TITLE XI.

#### MINING CORPORATIONS.

Corporations, mining.

- Sec. 586. Transfer agencies.  
 Sec. 587. Stock issued at transfer agencies.  
 Sec. 587a. Consolidation of mining corporations.  
 Sec. 588. Books and balance sheets to be kept by secretary. Stockholders' right to inspect.  
 Sec. 589. Right of stockholders to visit mine with expert.  
 Sec. 590. Liability of presidents and directors.

May establish agencies in other states for transfer and sale of stock.

586. Any corporation organized in this state for the purpose of mining or carrying on mining operations in or without this state, may establish and maintain agencies in other states of the United States, for the transfer and issuing of their stock; and a transfer or issue of the same at any such transfer agency, in accordance with the provisions of its by-

laws, is valid and binding as fully and effectually for all purposes as if made upon the books of such corporation at its principal office within this state. The agencies must be governed by the by-laws and the directors of the corporation.

587. All stock of any such corporation, issued at a transfer agency, must be signed by the president and secretary of the corporation, and countersigned at the time of its issue by the agent having charge of the transfer agency. No stock must be issued at a transfer agency unless the certificate of stock, in lieu of which the same is issued, is at the time surrendered for cancellation.

Stock issued at transfer agencies.

587a. It is lawful for two or more corporations formed, or that may hereafter be formed, under the laws of this state, for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicinity, to consolidate their capital stock, debts, property, assets, and franchises, in such manner and upon such terms as may be agreed upon by the respective boards of directors or trustees of such corporations so desiring to consolidate their interests; but no such consolidation must take place without the written consent of the stockholders representing two thirds of the capital stock of each corporation, and no such consolidation can, in any way, relieve such corporations, or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same must be given, by advertising, for one month, in at least one newspaper in the county where the said mining property is situated, if there is one published therein, and also in one newspaper published in the county where the principal place of business of any of said corporation is. And when the consolidation is completed, a certificate thereof, containing the manner and terms of such consolidation, must be filed in the office of the county clerk of the county in which the original certificate of incorporation of each of said corporations is filed, and a copy thereof must be filed in the office of the secretary of state; such certificate must be signed by a majority of each board of trustees or directors of the original corporations, and it is their duty to call, within thirty days after the filing of such certificate, a meeting of the stockholders of all of said corporations so consolidated, to elect a board of trustees or directors for the consolidated corporation, for the year thence next ensuing; and to cause notice of the time and place fixed for such meeting to be mailed to each stockholder of each of such corporations at his last known place of residence or business at least ten days before the time fixed for such meeting. The said certificate must also contain all the requirements prescribed by section two hundred and ninety.

Consolidation of.

Written consent of two thirds of stockholders necessary.

Publication of notice.

Certificate of consolidation filed with county clerk and certified copy with secretary of state.

Certificate, how signed.

Election of directors.

Certificates must contain.

588. It is the duty of the secretary of every corporation formed for the purpose of mining, or conducting mining in California, whether such corporation be formed and organized under the laws of the State of California or of any other state, territory, or foreign country, to keep at some place

Duty of secretary of domestic or foreign corporation.

within the State of California an office and in such office to keep a complete set of books showing all receipts and expenditures of such corporation, the sources of such receipts, and the objects of such expenditures, and also all transfers of stock. All books and papers must, at all times during business hours, be open to the inspection of any stockholder. He is entitled to be accompanied by an expert, and to make copies or extracts from any such books or papers. He may, at reasonable hours, examine such mining property, accompanied by an expert, take samples, and make such other examination as he may deem necessary. It is the duty of the directors, on the second Monday of each and every month, to cause to be made an itemized account or balance sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were derived, and to whom and for what object or purpose such disbursements or payments were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance sheet must be verified under oath by the president and secretary, and posted in some conspicuous place in the office of the company. It is the duty of the superintendent, on the first Monday of each month, to file with the secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. Such account must also contain a verified statement showing the number of men employed under him, and for what purpose, and the rate of wages paid to each. He must attach to such account a full and complete report, under oath, of the work done in said mine, the amount of ore extracted, from what part of mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the superintendent. It is his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking, or otherwise, together with the assay value thereof. All accounts, reports, and correspondence from the superintendent must be kept in some conspicuous place in the office of said company, open to the inspection of all stockholders.

Books to be kept open for inspection.

Stockholders may examine mining property.

Monthly balance sheet.

Balance sheet to be verified.

Duty of superintendent to file monthly account.

Account must show.

Report attached to account.

Accounts and reports open to inspection.

Stockholder entitled to examine mine.

589. Any stockholder of a corporation formed under the laws of this state for the purpose of mining, is entitled to visit, accompanied by his expert, and examine the mine or mines owned by such corporation, and every part thereof, at any time he may see fit; and when such stockholder applies to the president of such corporation, he must immediately cause the secretary thereof to issue and deliver to such applicant an order, under the seal of the corporation, directed to

the superintendent, commanding him to show and exhibit such parts of said mine or mines as the party named in said order may desire to visit and examine. It is the duty of the superintendent, on receiving such order, to furnish such stockholder every facility for making a full and complete inspection of said mine or mines, and of the workings therein, and to accompany said stockholder either in person, or to furnish some person familiar with said mine or mines to accompany him in his visit to and through such mine or mines, and every part thereof. If the superintendent fails to obey such order, such stockholder is entitled to recover, in any court of competent jurisdiction, against the corporation, the sum of one thousand dollars, and traveling expenses to and from the mine, as liquidated damages, together with costs of suit. In case of such refusal, it is the duty of the directors of the corporation forthwith to remove the officer so refusing, and thereafter he must not be employed directly or indirectly by the corporation, nor must any salary be paid to him.

Duty of superintendent.

Failure of superintendent to obey orders.

Removal of superintendent.

590. In case of the refusal or neglect of the president to cause to be issued by the secretary the order mentioned in section five hundred and eighty-nine, such stockholder is entitled to recover against said president the sum of one thousand dollars and costs, as provided in the last section. If the directors fail to have the reports and accounts current made and posted as provided in section five hundred and eighty-eight, they are liable, either severally or jointly, to an action by any stockholder complaining thereof, and on proof of such refusal or failure, he may recover judgment for actual damages sustained by him, with costs of suit. Each of such defaulting directors is also liable to removal for such neglect.

Refusal of president to permit examination; damages.

Liability of directors on failure to post reports, etc.

Removal of directors.

CHAPTER CDXXXIII.

*An act to add a new title to Part IV of Division First of the Civil Code to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new title is hereby added to Part IV of Division First of the Civil Code, to be numbered Title XIa, to read as follows:

## TITLE XIa.

Corporations, chambers of commerce, etc.      CORPORATIONS FOR THE FORMATION OF CHAMBERS OF COMMERCE, BOARDS OF TRADE, MECHANICS' INSTITUTES, AND OTHER KINDRED ASSOCIATIONS.

Sec. 591. Formation, organization, and powers of.

Sec. 592. Capital stock and certificates of.

Sec. 592a. Powers which may be conferred on the trustees, directors, or the executive committee.

Sec. 592b. Power to acquire, sell, possess, and use property.

Sec. 592c. The by-laws.

Sec. 592d. Power to levy and collect assessments.

Sec. 592e. Pre-existing corporations may become entitled to the benefit of this title.

Formation and organization.

591. Corporations for the formation and organization of chambers of commerce, boards of trade, mechanics' institutes, and other associations formed for the extension and promotion of trade and commerce, or the advancement, protection, and improvement of the mechanic arts, may be formed by twenty or more persons, who must execute and file articles of incorporation as prescribed in chapter one of title one of part four of this code. Upon receiving from the secretary of state a certificate of the filing with him of a certified copy of its articles of incorporation, such corporation becomes a body corporate, and by its corporate name has succession for the period limited in its articles, and power: (1) To sue and be sued in any court; (2) to make and use a common seal, and alter it at pleasure; (3) to lease, purchase, hold, sell, mortgage, convey in trust, convey, release from trust or mortgage, such real and personal property as hereinafter provided; (4) to elect and appoint such officers, agents, and servants as the business of the corporation may require; and (5) to make by-laws, not inconsistent with the laws of this state, providing for the organization of the corporation and the management of its affairs. No corporation formed under this title must engage in any mercantile, commercial, or mechanical business.

Articles to be filed with county clerk and certified copy with secretary of state.

Powers of.

May have capital stock.

592. Every corporation formed under this title may have a capital stock and issue certificates to represent the shares thereof, if the articles of incorporation contain a statement of the amount of its capital stock and the number of shares into which it is divided. The rights and privileges to be accorded to stockholders are distinct from those to be accorded to members at large of the corporation, and the obligations to be imposed upon stockholders in the same relation must be fixed and established in the by-laws of the corporation.

Rights and privileges of stockholders.

Right to exercise corporate powers conferred upon whom.

592a. The corporation may confer upon a board of trustees or directors, or upon a body to be styled the executive committee of the corporation, the right to exercise all or any of the corporate powers, if the articles of incorporation state that the right to exercise the corporate powers is to be confided to such board of trustees or directors or to such

executive committee, and the number of trustees, directors, or committee, and the names of those selected to take charge of the affairs of the corporation for the first six months.

592*b*. Every corporation formed under this title may lease, purchase, have, hold, use, take possession of, and enjoy in fee simple or otherwise any personal or real property within the state necessary for the uses and purposes of the corporation, and may sell, lease, deed in trust, alien, or dispose of the same at its pleasure.

May lease and own property.

592*c*. The by-laws of any corporation formed under this title without capital stock must prescribe how members of the corporation shall be admitted and how expelled, and how officers, agents, and servants shall be appointed. Such provisions in the by-laws have force and effect as between private parties and the corporation. All corporations formed under the provisions of this title must determine, by their by-laws, the manner of calling and conducting their meetings, the number of members that constitute a quorum, the manner of levying and collecting assessments, the officers of the corporation, the manner of their election or appointment and their tenure of office, and may prescribe suitable penalties for the violation of such by-laws, not exceeding in any case one hundred dollars for any one offense.

By-laws of corporations formed without capital stock.

Meetings, how called and conducted.

592*d*. Every corporation formed under the provisions of this title has power to levy and collect, from the members thereof, for the purpose of paying the proper and legal expenses of the corporation, assessments in such manner as may be prescribed by its by-laws, but not otherwise.

Levy and collection of assessments.

592*e*. Every corporation, association, or institution formed prior to the enactment of this title, for any of the purposes contemplated thereby, may, by a vote of the majority of its members voting at a meeting called for that purpose, become entitled to the benefit thereof on filing the certificate hereinafter required. Notice of such meeting and of its object must be published in a newspaper of general circulation in the county in which the principal place of business of the corporation, association, or institution is located, for at least two weeks before the day on which the meeting is to be held. Such certificate must be signed and acknowledged by at least five members of the corporation, association, or institution, must contain a list of the members who desire to become members, and must be filed with the county clerk of such county, and a copy thereof, certified by him, must be filed with the secretary of state. Thereupon such corporation, association, or institution possesses all the powers and privileges conferred by this title.

Continuance of existence under this title.

Publication of notice of intention.

Certificates, contents of, and where filed.

## CHAPTER CDXXXIV.

*An act to add a title to Part IV of Division First of the Civil Code to be known as Title XIIIa, relating to societies for the prevention of cruelty to children and animals.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new title is hereby added to Part IV of Division First of the Civil Code, to be numbered Title XIIIa, to read as follows:

## TITLE XIIIa.

SOCIETIES FOR THE PREVENTION OF CRUELTY TO CHILDREN AND ANIMALS.

- Corporations, societies for the prevention of cruelty to children and animals.
- Sec. 607. Formation of corporations.
- Sec. 607a. Power of to receive and dispose of property.
- Sec. 607b. Complaints for violating any law relating to children or animals.
- Sec. 607c. Magistrates and police officers to aid the corporation and its officers.
- Sec. 607d. Pre-existing corporations.
- Sec. 607e. Fines, penalties, and forfeitures, and the disposition to be made thereof.
- Sec. 607f. Members and agents may be authorized to act as police officers.
- Sec. 607g. Children who may be arrested and brought before a court or magistrate for examination.
- Formation of. 607. Corporations may be formed by any number of persons not less than five, a majority of whom must be citizens and residents of this state, under the general provisions of this code, for the purpose of the prevention of cruelty to children or animals, or both.
- Amount of property which may be held by. 607a. Every such corporation may take and hold, by gift, purchase, devise, or bequest, any property, real or personal, and dispose of the same at its pleasure; but it must not hold real property the annual income of which exceeds fifty thousand dollars.
- May prefer complaints against persons. 607b. Any such corporation, or any member or officer thereof, may prefer a complaint against any person or persons, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting children or animals, and may aid in the prosecution of any such offender before such court or magistrate in any proceeding taken.
- Magistrates and peace officers to aid corporation. 607c. All magistrates, constables, sheriffs, and officers of police must, as occasion may require, aid any such corporation, its officers, members, and agents, in the enforcement of all laws which are now or may be hereafter enacted relating to or affecting children or animals.
- Pre-existing corporations. 607d. The provisions of this title extend to all corporations heretofore formed and existing for the prevention of cruelty to children or animals, but do not extend or apply to any association, society, or corporation which uses or



specifies a name or style the same, or substantially the same, as that of any previously existing society or corporation in this state organized for a like purpose.

607*e*. All fines, penalties, and forfeitures imposed and collected in any county, or city and county, of this state under the provisions of any law of this state, now or hereafter enacted, relating to or affecting children or animals, in every case where the prosecution was instituted, aided, or conducted by any such corporation or society now or hereafter existing, must, except where otherwise provided, inure to such corporation or society in aid of the purposes for which it was incorporated or organized. In addition to said fines, penalties and forfeitures, every society incorporated and organized for the prevention of cruelty to animals may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of the laws of this state, now or hereafter enacted, for the prevention of cruelty to animals, or arresting, or prosecuting offenders thereunder, or preventing cruelty to animals, be paid, as compensation therefor, from the county, or city and county general fund by the board of supervisors, a sum not exceeding one hundred and fifty dollars per month, in the same manner as other claims against said county, or city and county, are paid.

Fines, penalties, etc., disposition of.

607*f*. All members and agents, and all officers of each or any of such corporations or societies, as may by the trustees thereof be duly authorized in writing, approved by a judge of the superior court of the county in which such corporation or society was organized, and sworn in the same manner as are constables or peace officers, have power lawfully to interfere to prevent the perpetration of any act of cruelty upon any child or dumb animal, and may use such force as is necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any penal law relating to or affecting children or animals in the same manner as a constable or other peace officer; and may carry the same or similar weapons that such officers are authorized to carry. All such members and agents must, when making such arrests, exhibit and expose a suitable badge to be adopted by such corporation or society. All persons resisting such specially appointed officers, when performing any duty under this section, are guilty of a misdemeanor.

Members and agents may be authorized by the court to act as peace agents.

Resisting such officers, penalty.

607*g*. Any child under the age of sixteen years that comes within any of the following descriptions named:

Children who may be arrested and brought before a court or magistrate for examination.

1. Who is found begging or receiving or gathering alms (whether actually begging, or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering, or receiving alms;

2. Who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence;

3. Who is found destitute, either being an orphan, or having a vicious parent who is undergoing penal servitude or imprisonment;

4. Who frequents the company of reputed thieves or prostitutes, or houses of prostitution or assignation, or dance houses, concert saloons, theaters, or variety halls, or other places of amusement where spirituous, malt, or vinous liquors are sold, without parent or guardian;

5. Who is engaged or used for or in any business, exhibition, vocation, or purpose, in violation of any law of this state;

—Must be arrested and brought before a court or magistrate, and when, upon examination before such court or magistrate, it appears that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions; or when, upon the examination or conviction of any person having the custody of a child, of a criminal assault upon it, the court or magistrate before whom such examination or conviction is had deems it desirable for the welfare of such child that the person so examined or convicted should be deprived of its custody thereafter; such court or magistrate, when it deems it expedient for the welfare of such child, may commit such child to an orphan asylum, corporation, or society for the prevention of cruelty to children, charitable or other institution, or make such other disposition thereof as now is or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children. Any corporation, organized under this title, or now existing, for the prevention of cruelty to children, or any officer or member thereof, may institute proceedings under this section for the welfare of any such child.

Order of court upon examination.

Commitment of child.

Power of corporation to institute proceedings.

## CHAPTER CDXXXV.

*An act to repeal Title XV of Part IV of Division First of the Civil Code, and to substitute therefor in said code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Title XV of Part IV of Division First of the Civil Code and each and every section thereof are hereby repealed, and a new Title XV is substituted in place thereof in said code to read as follows:

TITLE XV.

CORPORATIONS TO FURNISH LIGHT FOR PUBLIC USE.

- Sec. 629. Duty to furnish gas or electricity.
- Sec. 630. When corporations may refuse to supply gas.
- Sec. 630a. When corporations may refuse to supply electric current for light.
- Sec. 631. Right to enter buildings for inspection.
- Sec. 632. Right to shut off supply of gas or electricity.

Corporations formed for the purpose of furnishing light.

629. Upon the application in writing of the owner or occupant of any building or premises distant not more than one hundred feet from any main, or direct or primary wire, of the corporation, and payment by the applicant of all money due from him, the corporation must supply gas or electricity as required for such building or premises, and cannot refuse on the ground of any indebtedness of any former owner or occupant thereof, unless the applicant has undertaken to pay the same. If, for the space of ten days after such application, the corporation refuses or neglects to supply the gas or electricity required, it must pay to the applicant the sum of fifty dollars as liquidated damages, and five dollars per day as liquidated damages for every day such refusal or neglect continues thereafter.

Duty to furnish gas or electricity.

630. No corporation is required to lay service pipe where serious obstacles exist to laying it, unless the applicant, if required, deposits in advance, with the corporation, a sum of money sufficient to pay the cost of laying such service pipe, or his proportion thereof.

May refuse to lay service pipe, unless.

630a. No corporation is required to construct lines for the supply of electric current for light where serious obstacles exist, nor shall such corporation be required to supply such current from a direct wire at a distance too remote from the generating station, to insure a sufficient supply; nor is such corporation required to supply electric current for light from a primary wire carrying current of high voltage, unless the applicant deposit, in advance, a sum of money sufficient to pay the actual costs of such construction and for the appliances required to supply electric current with safety at the proper voltage.

May refuse to supply electric current for light, unless.

631. Any owner, manager or superintendent of gas or electric light works, or agent of such owner, manager, or superintendent, exhibiting written authority, signed by such owner, manager or superintendent, or any agent of a gas or electric light corporation exhibiting written authority signed by the president or secretary thereof for such purpose, may enter any building or premises lighted with gas or electricity supplied by such owner or corporation, to inspect the gas meters or electric meters therein to ascertain the quantity of gas or electricity supplied or consumed. Every owner or occupant of such building who hinders or prevents such entry or inspection must pay to the owner or corporation the sum of fifty dollars as liquidated damages.

Right to enter buildings for the purpose of inspection.

Right to shut off supply of gas or electricity, when.

632. All gas or electric light corporations may shut off the supply of gas or electricity from any person who neglects or refuses to pay for the gas or electricity supplied, or the rent of any meter, pipes, wires, fittings or appliances, provided by the corporation, as required by his contract; and for the purpose of shutting off the gas or electricity in such case any employé of the corporation may enter the building or premises of such person, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, of any day, and remove therefrom any property of the corporation used in supplying gas or electricity.

## CHAPTER CDXXXVI.

*An act to add a Title XIX to Part IV of Division First of the Civil Code, relating to co-operative business corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new title is hereby added to Part IV of Division First of the Civil Code to read as follows:

### TITLE XIX.

#### CO-OPERATIVE BUSINESS CORPORATIONS.

Sec. 653a. Purposes for which may be formed.

Corporations, co-operative business. Purposes for which may be formed.

653a. Co-operative business corporations may be formed for doing any lawful business, and dividing a portion of their profits among persons other than their stockholders. Each of such corporations may, in its by-laws, in addition to the matters specified in section three hundred and three, provide the amount of profits which must be divided among persons other than its stockholders, and the manner in which and the persons among whom such division may be made.

## CHAPTER CDXXXVII.

*An act to add a Title XX to Part IV of Division First of the Civil Code, relating to co-operative business associations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new title is hereby added to Part IV of Division First of the Civil Code to read as follows:

TITLE XX.

CO-OPERATIVE BUSINESS ASSOCIATIONS.

<p>Sec. 653b. Formation and purposes of.                  Sec. 653c. Rights, interests, and liabilities of members.                  Sec. 653d. The articles of association.                  Sec. 653e. The by-laws.                  Sec. 653f. Execution against the association or its members.                  Sec. 653g. Purpose of the association, how may be altered.                  Sec. 653h. Powers of the association.                  Sec. 653i. Consolidation of associations.                  Sec. 653j. Dissolution and winding up of association.                  Sec. 653k. Quo warranto to inquire into the right of an association to do business.                  Sec. 653l. What corporations or associations are not affected by this title.</p>	<p>Corporations, co-operative business associations.</p>
<p>653b. Five or more persons may form a co-operative association for the transaction of any lawful business, whether for profit or not, or for the promotion of any educational, industrial, benevolent, social, or political purpose. Such association must not have any capital stock, but must issue membership certificates to each member. Such certificate cannot be assigned, so that the assignee can, by its transfer, become a member of the association, but, by a resolution of its board of directors, such certificate may be transferred, and the transferee made a member in lieu of the last former holder.</p>	<p>Formation and purposes.                   Certificates of membership.                   Assessment and transfer of certificate.</p>
<p>653c. In such association the rights and interests of all members are equal, and no member can have or acquire a greater interest therein than any other member has. At every election held pursuant to the by-laws each member must be entitled to cast one vote and no more. All persons above the age of eighteen years, regardless of sex, are eligible to membership, if otherwise qualified and elected as the by-laws may provide. The by-laws must provide for the amount of the indebtedness which such association may incur. And no member shall be responsible individually, or personally liable, for any of the debts or liabilities of the association in excess of his proportion of such indebtedness; but in case of the failure and insolvency of such association, may be required to pay any unpaid dues or installments which have, before such insolvency, become due from such member to the association, pursuant to its by-laws.</p>	<p>Rights and interests to be equal.                   Who are eligible to membership                   Liability of membership.</p>
<p>653d. Every association formed under this title must prepare articles of association, in writing, stating: The name of the association, the purpose for which it is formed, the place where its principal business is to be transacted, the term for which it is to exist, not to exceed fifty years, the number of the directors thereof, and the names and residences of those selected for the first year, the amount which each member is to pay upon admission as membership fee, and that each member signing the articles has actually paid in such sum, and that the interest and right of each member therein is to be equal. Such articles of association must be subscribed by the original associates or members, and</p>	<p>Articles of association must set forth, what.                   Subscribed and acknowledged.</p>

acknowledged by each before some person competent to take an acknowledgment of a deed in this state. Such articles so subscribed and acknowledged must be filed in the office of the clerk of the county wherein the principal business of the association is to be transacted, and a copy thereof certified by such clerk, with the secretary of state, who must thereupon issue his certificate in the form, and having the effect prescribed in section two hundred and ninety-six,

Articles filed with county clerk, and certified copy with secretary of state.

By-laws. **653e.** Every association formed under this title must, within forty days after it so becomes an association, adopt a code of by-laws for the government and management of the association, not inconsistent with this title. A majority of all the associates is necessary to the adoption of such by-laws, and the same must be written in a book, and subscribed by the members adopting the same, and the same cannot be amended or modified except by the vote of a majority of all the members, after notice of the proposed amendment, given as the by-laws may provide. Such association may, by its by-laws, provide for the time, place, and manner of calling and conducting its meetings; the number of directors, the time of their election, their term of office, the mode and manner of their removal, the mode and manner of filling vacancies in the board caused by death, resignation, removal, or otherwise, and the power and authority of such directors, and how many thereof are necessary to the exercise of the powers of such directors, which must be at least a majority; the compensation of any of the directors; or of any officer; the number of the officers, if any, other than the directors, and their term of office; the mode of removal, and the method of filling a vacancy; the mode and manner of conducting business; the mode and manner of conducting elections, and may provide for voting by ballots forwarded by mail or otherwise, *provided* the method secures the secrecy of the ballot; the mode and manner of succession of membership, and the qualifications for membership, and on what conditions, and when membership must cease, and the mode and manner of expulsion of a member, subject to the right of an expelled member to have the board of directors appraise his interest in the association in either money, property, or labor, as the directors may deem best, and to have the money, property, or labor so awarded him paid, or delivered, or performed within forty days after expulsion; the amount of membership fee, and the dues, installments, or labor which each member must be required to pay or perform, if any, and the manner of collection or enforcement, and for forfeiting or selling of membership interest for non-payment or non-performance; the method, time, and manner of permitting the withdrawal of a member, if at all, and how his interest must be ascertained, either in money or property, and within what time the same must be paid or delivered to such member; the mode and manner of ascertaining the

Adoption of

By-laws may provide for.

Meetings.

Elections.

Number, compensation and terms of officers.

Manner of conducting elections.

Qualifications, and succession.

Manner of expulsion of members.

Amount of membership fees, dues, etc.

Withdrawal of member.

interest of a member at his death, if his legal representatives or none of them desire to succeed to the membership, and whether the same must be paid to his legal representatives in money, or property, or labor, and within what time the same must be paid, or delivered, or performed; such other things as may be proper to carry out the purpose for which the association was formed. The by-laws must provide for the time and manner in which profits must be divided among the members, and what proportion of the profits, if any, must be added to the common property or funds of the association. But the by-laws may provide that the directors may suspend or pass the payment of any such profit, or installment of earnings, at their discretion. The by-laws and all amendments must be recorded in a book and kept in the office of the association, and a copy, certified by the directors, must be filed in the office of the county clerk where the principal business is transacted.

Division of profits.

Recorded and filed.

653*f*. The property of such association is subject to attachment and execution for its lawful debts. The interest of a member in such association, if sold upon execution, or any judicial or governmental order whatever, cannot authorize the purchaser to have any right, except to succeed, as a member in the association, with the consent of the directors, to the rights of the member whose interest is thus sold. If the directors choose to pay or settle the matter after such sale, they may either cancel the membership, and add the interest thus sold to the assets or common property of the association, or reissue the share or right to a new member upon proper payment therefor, as the directors may determine.

Execution against association or its members.

653*g*. The purpose of the business may be altered, changed, modified, enlarged, or diminished by a vote of two thirds of all the members, at a special election to be called for such purpose, of which notice must be given the same as the by-laws provide for the election of directors.

Purposes may be altered, how.

653*h*. Every association formed under this title has power of succession by its associate name for fifty years; in such name to sue and be sued in any court; to make and use a common seal, and alter the same at pleasure; to receive by gift, devise, or purchase, hold, and convey real and personal property, as the purposes of the association may require; to appoint such subordinate agents or officers as the business may require; to admit associates or members, and to sell or forfeit their interest in the association for default of installments, or dues, or work, or labor required, as provided by the by-laws; to enter into any and all lawful contracts or obligations essential to the transaction of its affairs, for the purpose for which it was formed, and to borrow money, and issue all such notes, bills, or evidences of indebtedness or mortgage as its by-laws may provide for; to trade, barter, buy, sell, exchange, and to do all other things proper to be

Powers of association.

done for the purpose of carrying into effect the objects for which the association is formed.

Consolidation of associations.

653i. Two or more associations formed and existing under this title, or under any pre-existing law authorizing their formation for the same purposes, may be consolidated, upon such terms, and for such purposes, and by such name, as may be agreed upon, in writing, signed by two thirds of the members of each such association. Such agreement must also state all the matters necessary to articles of association, and must be acknowledged by the signers before an officer competent to take an acknowledgment of deeds in this state, and be filed in the office of the county clerk of the county wherein the principal business of the association is to be transacted, and a certified copy thereof in the office of the secretary of state, and pay the same fees for filing and recording as required by this code for the filing and recording of the certified copy of the original articles of association; and from and after the filing of such certified copy, the former associations comprising the component parts cease to exist, and the consolidated association succeeds to all the rights, duties, and powers of the component associations, and is possessed of all the rights, duties, and powers prescribed in the agreement of consolidated association not inconsistent with this title, and is subject to all the liabilities and obligations of the former component associations, and succeeds to all the property and interests thereof, and may make by-laws and do all things permitted by this title.

Agreement must state, what.

Agreement filed with county clerk and certified copy with secretary of state.

Fee for filing.

Consolidated association succeeds to rights and is subject to all liabilities.

Dissolution of associations.

653j. Any association formed or consolidated under this title may be dissolved and its affairs wound up voluntarily by the written request of two thirds of the members. Such request must be addressed to the directors, and must specify reasons why the winding up of the affairs of the association is deemed advisable, and must name three persons who are members to act in liquidation and in winding up the affairs of the association, a majority of whom must thereupon have full power to do all things necessary to liquidation; and upon the filing of such request with the directors, and a copy thereof in the office of the county clerk of the county where the principal business is transacted, all power of the directors ceases and the persons appointed must proceed to wind up the association, and realize upon its assets, and pay its debts, and divide the residue of its money among the members, share and share alike, within a time to be named in said written request, or such further time as may be granted them by two thirds of the members, in writing, filed in the office of said county clerk; and upon the completion of such liquidation the said association must be deemed dissolved. No receiver of any such association, or of any property thereof, or of any right therein, can be appointed by any court, upon the application of any member, save after judgment of dissolution for usurping franchises at the suit of the State of California by its attorney-general.



653k. The right of any association claiming to be organized under this title to do business may be inquired into by quo warranto, at the suit of the attorney-general of this state, but not otherwise.

Duty of attorney-general.

653l. This title is not applicable to railroads, telegraph, telephone, banking, insurance, building and loan, or any other corporation, unless the special provisions of this code, applicable thereto, are complied with.

Title not applicable to certain corporations.

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## CHAPTER CDXXXVIII.

*An act to amend section seven hundred and ninety-three of the Civil Code, relating to actions for the possession of real property leased or granted with a right of re-entry.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and ninety-three of the Civil Code is hereby amended to read as follows:

793. An action for the possession of real property leased or granted, with a right of re-entry, may be maintained at any time, after the right to re-enter has accrued, without the notice prescribed in section seven hundred and ninety-one.

Possession of real property, action for, without notice.

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## CHAPTER CDXXXIX.

*An act to amend section eight hundred and twenty-two of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and twenty-two of the Civil Code is hereby amended to read as follows:

822. Whatever remedies the lessor of any real property has against his immediate lessee for the breach of any agreement in the lease, or for recovery of the possession, he has against the assignees of the lessee, for any cause of action accruing while they are such assignees, except where the assignment is made by way of security for a loan, and is not accompanied by possession of the premises.

Assignee of lessee, remedies of lessor against.

## CHAPTER CDXL.

*An act to add sections eight hundred and forty-two and eight hundred and forty-three to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered eight hundred and forty-two, and to read as follows:

Obligations of owners of ditch, flume, etc.

842. When two or more persons are associated by agreement in the use of a ditch, flume, pipe-line or other conduit for the conveyance of water, or who are using such ditch, flume, pipe-line or other conduit, or any part thereof, for the irrigation of land or for any other lawful purpose, to the construction of which they or their grantors have contributed, he is liable to the others for the reasonable expenses of maintaining and repairing the same, and of distributing such water in proportion to the share to which he is entitled in the use of the water.

Liability of one to the other.

SEC. 2. A new section is hereby added to said code, to be numbered eight hundred and forty-three, and to read as follows:

Neglect to pay proportion of expense, liable therefor in an action.

843. If any one of them neglects, after demand in writing, to pay his proportion of such expenses, he is liable therefor in an action for contribution, and in any judgment obtained against him interest from the time of such demand must be included. The action authorized by this section must be brought by any or all of the parties who have contributed more than his or their just proportion of such expenses, and may be joint or several, and therein plaintiff may recover as costs, reasonable counsel fees, to be fixed by the court.

## CHAPTER CDXLI.

*An act to amend section 970 of the Civil Code, relating to the rules of navigation.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nine hundred and seventy of the Civil Code is hereby amended to read as follows:

Rules of navigation.

970. In the case of ships meeting, the following rules must be observed, in addition to those prescribed by that part of the Political Code which relates to navigation:

1. Whenever any ship, whether a steamer or sailing ship, proceeding in one direction, meets another ship, whether a steamer or sailing ship, proceeding in another direction, so that if both ships were to continue their respective courses they would pass so near as to involve the risk of a collision, the helms of both ships must be put to port so as to pass on the port side of each other; and this rule applies to all steamers and all sailing ships, whether on the port or starboard tack, and whether close-hauled or not, except where the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to a due regard to the dangers of navigation, and, as regards sailing ships on the starboard tack close-hauled, to the keeping such ships under command;

Rules as to  
ships  
meeting  
each other.

2. In the case of sailing vessels, those having the wind fair must give way to those on a wind. When both are going by the wind, the vessel on the starboard tack must keep her wind, and the one on the larboard tack bear up strongly, passing each other on the larboard hand. When both vessels have the wind large or abeam, and meet, they must pass each other in the same way on the larboard hand, to effect which two last-mentioned objects the helm must be put to port. Steam vessels must be regarded as vessels navigating with a fair wind, and should give way to sailing vessels on a wind of either tack;

Rules as to  
sailing  
vessels.

3. A steamer navigating a narrow channel must, whenever it is safe and practicable keep to that side of the fairway or midchannel which lies on the starboard side of the steamer;

Rules for  
steamers  
in narrow  
channels.

4. A steamer when passing another steamer in such channel, must always leave the other upon the larboard side;

Same.

5. When steamers must inevitably or necessarily cross so near that by continuing their respective courses, there would be a risk of collision, each vessel must put her helm to port, so as always to pass on the larboard side of each other;

Rules for  
steam ves-  
sels on  
different  
courses.

6. The rules of this section do not apply to any case for which a different rule is provided by the regulations for the government of pilots of steamers approaching each other within the sound of the steam-whistle, or by the regulations concerning lights upon steamers, prescribed by or under authority of the laws of the United States.

Meeting  
of steam-  
ers.

## CHAPTER CDXLII.

*An act to amend section nine hundred and ninety-three of the Civil Code, relating to the transfer of the good will and name of a business.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nine hundred and ninety-three of the Civil Code is hereby amended to read as follows:

Good will and name, transfer of. 993. The good will of a business is property, transferable like any other, and the person transferring it may transfer with it the right of using the name under which the business is conducted.

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CHAPTER CDXLIII.

*An act to add a new section to the Civil Code, to be numbered ten hundred and ninety-six, relating to the mode of transferring real property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered ten hundred and ninety-six, to read as follows:

Conveyance of real estate when name of person has been changed. 1096. Any person in whom the title of real estate is vested, who shall afterwards, from any cause, have his or her name changed, must, in any conveyance of said real estate so held, set forth the name in which he or she derived title to said real estate.

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CHAPTER CDXLIV.

*An act to amend section eleven hundred and sixty-one of the Civil Code, relating to the recording of instruments in writing.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and sixty-one of the Civil Code is hereby amended to read as follows:

Acknowledgment of instrument to be recorded, by a person. By a corporation. 1161. Before an instrument can be recorded, unless it belongs to the class provided for in either section eleven hundred and fifty-nine, eleven hundred and sixty, twelve hundred and two, or twelve hundred and three, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or secretary, or other person executing the same on behalf of the corporation, or proved by a subscribing witness, or as provided in sections eleven hundred and ninety-eight and eleven hundred and ninety-nine, and the acknowledgment or proof certified in the manner prescribed by article three of this chapter.

CHAPTER CDXLV.

An act to amend sections eleven hundred and eighty-one, eleven hundred and eighty-five, eleven hundred and ninety, twelve hundred and two, and twelve hundred and three of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

[Approved March 21, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred and eighty-one of the Civil Code is hereby amended to read as follows:

1181. The proof or acknowledgment of an instrument may be made in this state, within the city, county, city and county, or township for which the officer was elected or appointed, before either:

Proof or acknowledgment in this state, before whom taken.

- 1. A clerk of a court of record;
- 2. A county recorder;
- 3. A court commissioner;
- 4. A notary public;
- 5. A justice of the peace.

SEC. 2. Section eleven hundred and eighty-five of said code is hereby amended to read as follows:

1185. The acknowledgment of an instrument must not be taken, unless the officer taking it knows or has satisfactory evidence, on the oath or affirmation of a credible witness, that the person making such acknowledgment is the individual who is described in and who executed the instrument; or, if executed by a corporation, that the person making such acknowledgment is the president or secretary of such corporation, or other person who executed it on its behalf.

Requisites for acknowledgments.

SEC. 3. Section eleven hundred and ninety of said code is hereby amended to read as follows:

1190. The certificate of acknowledgment of an instrument executed by a corporation must be substantially in the following form:

Form of acknowledgment by corporation.

“State of——, }  
County of——. } ss.

“On this——day of——, in the year——, before me (here insert the name and quality of the officer), personally appeared——, known to me (or proved to me on the oath of——) to be the president (or the secretary) of the corporation that executed the within instrument (where, however, the instrument is executed in behalf of the corporation by some one other than the president or secretary) insert: known to me (or proved to me on the oath of——) to be the person who executed the within instrument on behalf of the corporation therein named) and acknowledged to me that such corporation executed the same.

SEC. 4. Section twelve hundred and two of said code is hereby amended to read as follows:

Instrument im-  
properly  
certified,  
how cor-  
rected.

1202. When the acknowledgment or proof of the execution of an instrument is properly made, but defectively certified, any party interested may have an action in the superior court to obtain a judgment correcting the certificate.

SEC. 5. Section twelve hundred and three of said code is hereby amended to read as follows:

Judgment  
proving  
acknowl-  
edgment.

1203. Any person interested under an instrument entitled to be proved for record, may institute an action in the superior court against the proper parties to obtain a judgment proving such instrument.

#### CHAPTER CDXLVI.

*An act to add a new section to the Civil Code, to be numbered twelve hundred and eighteen, relating to the recording of certified copies of instruments in writing.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered twelve hundred and eighteen, to read as follows:

Recording  
of certified  
copies of  
instru-  
ments in  
writing.

1218. A certified copy of an instrument affecting the title to real property once recorded may be recorded in any other county, and, when so recorded, the record thereof has the same force and effect as though it was of the original instrument.

#### CHAPTER CDXLVII.

*An act to amend section twelve hundred and sixty-three of the Civil Code, relating to declarations of homestead.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and sixty-three of the Civil Code is hereby amended to read as follows:

Declara-  
tion of  
homestead  
must con-  
tain what.

1263. The declaration of homestead must contain:

1. A statement, showing that the person making it is the head of a family, and, if the claimant is married, the name of the spouse; or, when the declaration is made by the wife, showing that her husband has not made such declaration, and

that she therefore makes the declaration for their joint benefit;

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. An estimate of their actual cash value.

## CHAPTER CDXLVIII.

*An act to amend sections twelve hundred and seventy-five, twelve hundred and seventy-six, twelve hundred and eighty-five, thirteen hundred, thirteen hundred and six, thirteen hundred and seven, thirteen hundred and twenty-seven, thirteen hundred and sixty-four, and thirteen hundred and seventy-six of the Civil Code, all relating to wills.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and seventy-five of the Civil Code is hereby amended to read as follows: wills.

1275. A testamentary disposition may be made to any person capable by law of taking the property so disposed of, except that corporations other than counties, municipal corporations, and corporations formed for scientific, literary, or solely educational or hospital purposes, cannot take under a will, unless expressly authorized by statute; subject, however, to the provisions of section thirteen hundred and thirteen. Who may take property by testamentary disposition.

SEC. 2. Section twelve hundred and seventy-six of said code is hereby amended to read as follows:

1276. Every will, other than a nuncupative will, must be in writing; and every will, other than an olographic will, and a nuncupative will, must be executed and attested as follows: Written will, how to be executed.

1. It must be subscribed at the end thereof by the testator himself, or some person in his presence and by his direction must subscribe his name thereto;

2. The subscription must be made in the presence of the attesting witnesses, or be acknowledged by the testator to them to have been made by him or by his authority;

3. The testator must, at the time of subscribing or acknowledging the same, declare to the attesting witnesses that the instrument is his will; and,

4. There must be two attesting witnesses, each of whom must sign the same as a witness, at the end of the will, at the testator's request and in his presence.

SEC. 3. Section twelve hundred and eighty-five of said code is hereby amended to read as follows:

Will made out of state not valid in this state, unless.

1285. No will made out of this state is valid as a will in this state, unless executed according to the provisions of this chapter, except that a will made in a state or country in which the testator is domiciled at the time of his death, and valid as a will under the laws of such state or country, is valid in this state so far as the same relates to personal property, subject, however, to the provisions of section thirteen hundred and thirteen.

SEC. 4. Section thirteen hundred of said code is hereby amended to read as follows:

Effect of a marriage of a woman on her will.

1300. A will, executed by a woman, is revoked by her subsequent marriage, and is not revived by the death of her husband.

SEC. 5. Section thirteen hundred and six of said code is hereby amended to read as follows:

Child born after making will, unprovided for, to succeed.

1306. Whenever a testator has a child born after the making of his will, either in his lifetime or after his death, and dies leaving such child unprovided for by any settlement, and neither provided for nor in any way mentioned in his will, the child succeeds to the same portion of the testator's real and personal property that he would have succeeded to if the testator had died intestate. But such succession does not impair or affect the validity of any sale of property made by authority of such will in accordance with the provisions of section fifteen hundred and sixty-one of the Code of Civil Procedure.

SEC. 6. Section thirteen hundred and seven of said code is hereby amended to read as follows:

Children, or issue of children of testator unprovided for by will, to succeed.

1307. When any testator omits to provide in his will for any of his children, or for the issue of any deceased child, unless it appears that such omission was intentional, such child, or the issue of such child, has the same share in the estate of the testator as if he had died intestate, and succeeds thereto as provided in the preceding section. But such succession does not impair or affect the validity of any sale of property made by authority of such will in accordance with the provisions of section fifteen hundred and sixty-one of the Code of Civil Procedure.

Such succession not to impair validity of sale of property.

SEC. 8. Section thirteen hundred and twenty-seven of said code is hereby amended to read as follows:

Effect of technical words in will.

1327. Technical words in a will are to be taken in their technical sense, unless the context clearly indicates a contrary intention, or unless it satisfactorily appears that the will was drawn solely by the testator, and that he was unacquainted with such technical sense.

SEC. 9. Section thirteen hundred and sixty-four of said code is hereby amended to read as follows:

Heir's conveyance good, unless will is proved within four years.

1364. The rights of a purchaser or incumbrancer of real property, in good faith and for value, derived from any person claiming the same by succession, are not impaired by



any devise made by the decedent from whom succession is claimed, unless within four years after the deviser's death, the instrument containing such devise is duly proved as a will, and recorded in the office of the clerk of the superior court having jurisdiction thereof, or written notice of such devise is filed with the clerk of the county where the real property is situated.

SEC. 10. Section thirteen hundred and seventy-six of said code is hereby amended to read as follows:

1376. The validity and interpretation of wills, wherever made, are governed, when relating to property within this state, by the law of this state, except as provided in section twelve hundred and eighty-five.

Laws governing validity and interpretation of wills.

## CHAPTER CDXLIX.

*An act to amend sections thirteen hundred and eighty-six, thirteen hundred and eighty-eight, thirteen hundred and ninety-five, thirteen hundred and ninety-nine, fourteen hundred and five, and fourteen hundred and six of the Civil Code, and to add a new section thereto to be numbered fourteen hundred and nine, all relating to succession to the property of deceased persons.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and eighty-six of the Civil Code is hereby amended to read as follows:

1386. When any person having title to any estate not otherwise limited by marriage contract, dies without disposing thereof by will, it is succeeded to and must be distributed, unless otherwise expressly provided in this code and the Code of Civil Procedure, subject to the payment of his debts, in the following manner:

Succession to and distribution of property of deceased person.

1. If the decedent leaves a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leaves a surviving husband or wife, and more than one child living, or one child living and the lawful issue of one or more deceased children, one third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child, by right of representation; but if there is no child of decedent living at his death, the remainder goes to all of his lineal descendants; and if all of the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of

Succession  
to and dis-  
tribution  
of property  
of deceased  
person.

representation. If the decedent leaves no surviving husband or wife, but leaves issue, the whole estate goes to such issue; and if such issue consists of more than one child living, or one child living and the lawful issue of one or more deceased children, then the estate goes in equal shares to the children living, or to the child living and the issue of the deceased child or children by right of representation;

2. If the decedent leaves no issue, the estate goes one half to the surviving husband or wife, and the other half to the decedent's father and mother in equal shares, and if either is dead the whole of said half goes to the other. If there is no father or mother, then one half goes in equal shares to the brothers and sisters of decedent and to the children or grandchildren of any deceased brother or sister by right of representation. If the decedent leaves no issue, nor husband nor wife, the estate must go to his father and mother in equal shares, or if either is dead then to the other;

3. If there is neither issue, husband, wife, father, nor mother then in equal shares to the brothers and sisters of decedent and to the children or grandchildren of any deceased brother or sister, by right of representation;

4. If the decedent leaves a surviving husband or wife, and neither issue, father, mother, brother, sister, nor the children or grandchildren of a deceased brother or sister, the whole estate goes to the surviving husband or wife;

5. If the decedent leaves neither issue, husband, wife, father, mother, brother, nor sister, the estate must go to the next of kin, in equal degree, excepting that, when there are two or more collateral kindred, in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote;

6. If the decedent leaves several children, or one child and the issue of one or more children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance from such decedent descends in equal shares to the other children of the same parent and to the issue of any such other children who are dead, by right of representation;

7. If, at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them has left issue, the estate that came to such child by inheritance from his parent descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation;

8. If the decedent is a widow or widower, and leaves no issue, and the estate or any portion thereof was common property of such decedent and his or her deceased spouse, while such spouse was living, or was separate property of his or her deceased spouse, while such spouse was living,

such property goes to the children of such deceased spouse and the descendants thereof, and if none, then to the father of such deceased spouse, or if he is dead, to the mother. If there is no father nor mother, then such property goes to the brothers and sisters of such deceased spouse, in equal shares, and to the lawful issue of any deceased brother or sister of such deceased spouse by right of representation;

9. If the decedent leaves no husband, wife, or kindred, and there are no heirs to take his estate or any portion thereof, under subdivision eight of this section, the same escheats to the state for the support of the common schools.

SEC. 2. Section thirteen hundred and eighty-eight of said code is hereby amended to read as follows:

1388. The estate of an illegitimate child, who has been legitimated by the subsequent marriage of its parents, or adopted by the father as provided by section two hundred and thirty, and who dies intestate, is succeeded to as if he were born in lawful wedlock. If such child has not been so legitimated or adopted, his estate goes to his lawful issue, or, if he leaves no issue, to his mother, or in case of her decease, to her heirs at law.

Property of illegitimate child is succeeded to, when and how.

SEC. 3. Section thirteen hundred and ninety-five of said code is hereby amended to read as follows:

1395. Any estate, real or personal, given by the decedent in his lifetime as an advancement to any child, or other heir, is a part of the estate of the decedent for the purposes of division and distribution thereof among his heirs, and must be taken by such child, or other heir, toward his share of the estate of the decedent.

Advancements constitute part of distributive share.

SEC. 4. Section thirteen hundred and ninety-nine of said code is hereby amended to read as follows:

1399. If any child, or other heir receiving advancement, dies before the decedent, leaving heirs, the advancement must be taken into consideration in the division and distribution of the estate, and the amount thereof must be allowed accordingly by the representatives of the heirs receiving the advancement, in like manner as if the advancement had been made directly to them.

When heir, advanced to, dies before decedent.

SEC. 5. Section fourteen hundred and five of said code is hereby amended to read as follows:

1405. When succession is not claimed, as provided in the preceding section, the superior court, on information, must direct the attorney-general to reduce the property to his possession or that of the state, or to cause it to be sold, and it or its proceeds to be deposited in the state treasury for the benefit of the person entitled thereto, to be paid to him, if, within five years after such deposit, he appears in the court in which such information was filed and asks for a judgment or order entitling him thereto.

Succession not claimed, attorney-general to cause to be sold and proceeds deposited with state treasurer.

SEC. 6. Section fourteen hundred and six of said code is hereby amended to read as follows:

Property delivered to claimant, when.

1406. When such judgment or order is obtained, a certified copy thereof must be filed with the state treasurer as his voucher. Thereupon the property must be delivered, or the proceeds paid, to the claimant, on filing his receipt therefor. If no one succeeds to the estate or the proceeds, as herein provided, the property of the decedent devolves and escheats to the people of the state, and must be placed by the state treasurer to the credit of the school fund.

Property escheats to the state, when.

SEC. 7. A new section is hereby added to said code, to be numbered fourteen hundred and nine, and to read as follows:

Person convicted of murder of decedent not to succeed.

1409. No person who has been convicted of the murder of the decedent shall be entitled to succeed to any portion of his estate; but the portion thereof to which he would otherwise be entitled to succeed descends to the other persons entitled thereto under the provisions of this title.

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## CHAPTER CDL.

*An act to add a new section to the Civil Code to be numbered fourteen hundred and sixty-eight, relating to covenants running with land.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered fourteen hundred and sixty-eight, and to read as follows:

Transfer of obligations; covenants to run with land.

1468. A covenant made by the owner of land with the owner of other land to do or refrain from doing some act on his own land, which doing or refraining is expressed to be for the benefit of the land of the covenantee, and which is made by the covenantor expressly for his assigns or to the assigns of the covenantee, runs with both of such parcels of land.

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## CHAPTER CDLI.

*An act to amend sections sixteen hundred and twenty-four and sixteen hundred and twenty-five of the Civil Code, both relating to the manner of creating contracts.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen hundred and twenty-four of the Civil Code is hereby amended to read as follows:

1624. The following contracts are invalid, unless the same, Contracts, what must be written. or some note or memorandum thereof, is in writing and subscribed by the party to be charged, or by his agent:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in section twenty-seven hundred and ninety-four;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the sale of goods, chattels, or things in action, at a price not less than two hundred dollars, unless the buyer accepts or receives part of such goods and chattels or the evidences, or some of them, of such things in action, or pays at the time some part of the purchase money; but when a sale is made at auction, an entry by the auctioneer in his sale book, at the time of the sale, of the kind of property sold, the terms of the sale, the price, and the names of the purchaser and person on whose account the sale is made, is a sufficient memorandum;

5. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

6. An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission;

7. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will.

SEC. 2. Section sixteen hundred and twenty-five of said code is hereby amended to read as follows:

1625. The execution of a contract in writing, whether the law requires it to be written or not, Effect of written contracts. supersedes all the negotiations or stipulations concerning its matter which preceded or accompanied the execution of the instrument.

## CHAPTER CDLII.

*An act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Article IIIa of Chapter II of Title III of Part IV of Division Third is hereby added to the Civil Code to read as follows:

## CHAPTER IIIa.

## WAREHOUSEMEN.

- Sec. 1858. Warehouse receipts, when must not be issued.  
 Sec. 1858a. Property not to be removed without consent in writing.  
 Sec. 1858b. Warehouse receipts, classification and effect of.  
 Sec. 1858c. Indorsement on negotiable receipt of property delivered.  
 Sec. 1858d. Negotiable receipts and their effect.  
 Sec. 1858e. Liability for loss by fire.  
 Sec. 1858f. Penalties and liabilities.

Warehouse receipts, when must not be issued.

1858. A warehouseman, wharfinger, or other person doing a storage business must not issue any receipt or voucher for any merchandise, grain, or other product or thing of value, to any person purporting to be the owner thereof, nor to any person as security for any indebtedness or for the performance of any obligation, unless such merchandise, grain, or other product, commodity, or thing has been, in good faith, received by such warehouseman, wharfinger, or other person, and is in his store or under his control at the time of issuing his receipt; nor must any second receipt for any such property be issued while a former receipt for any part thereof is outstanding and uncanceled.

Property not to be removed without consent in writing.

1858a. No warehouseman, wharfinger, or other person must sell or incumber, ship, transfer, or remove beyond his immediate control any property for which a receipt has been given, without the consent in writing of the person holding such receipt plainly indorsed thereon in ink.

Classification of warehouse receipts.

1858b. Warehouse receipts for property stored are of two classes: first, transferable or negotiable; and second, non-transferable or non-negotiable. Under the first of these classes the property is transferable by indorsement of the party to whose order such receipt was issued, and such indorsement is a valid transfer of the property represented by the receipt, and may be in blank or to the order of another. All warehouse receipts must distinctly state on their face for what they are issued and its brands and distinguishing marks and the rate of storage per month or season, and, in the case of grain, the kind, the number of sacks, and pounds. If a receipt is not negotiable, it must have printed across its face, in red ink, in bold, distinct letters, the word "non-negotiable."

Negotiable receipt, indorsement on.

1858c. If a negotiable receipt is issued for any property, neither the person issuing it nor any other person into whose care or control the property comes must deliver any part thereof without indorsing on the back of the receipt, in ink, the amount and date of the delivery; nor can he be allowed to make any offset, claim, or demand other than is expressed on the face of the receipt, when called upon to deliver any property for which it was issued.

Non-negotiable receipts and their effect.

1858d. If a non-negotiable receipt is issued for any property, neither the person issuing nor any other person in whose care or control the property comes must deliver any part thereof, except upon the written order of the person to whom the receipt was issued.

1858e. No warehouseman or other person doing a general storage business is responsible for any loss or damage to property by fire while in his custody, if he exercises reasonable care and diligence for its protection and preservation.

Liability for loss by fire.

1858f. Every warehouseman, wharfinger, or other person who violates any of the provisions of sections eighteen hundred and fifty-eight to eighteen hundred and fifty-eight e, inclusive, is guilty of a felony, and, upon conviction thereof, may be fined in a sum not exceeding five thousand dollars, or imprisoned in the state prison not exceeding five years, or both. He is also liable to any person aggrieved by such violation for all damages, immediate or consequent, which he may have sustained therefrom, which damages may be recovered by a civil action in any court of competent jurisdiction, whether the offender has been convicted or not.

Penalties and liabilities.

### CHAPTER CDLIII.

*An act to amend sections eighteen hundred and sixty-five and eighteen hundred and seventy-one of the Civil Code, both relating to finders and savers of property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and sixty-five of the Civil Code is hereby amended to read as follows:

1865. If the finder of a thing, other than a domestic animal, takes possession thereof, or if a person saves any such animal from drowning or starvation, he must, within a reasonable time, inform the owner thereof, if known, and make restitution to him upon demand, without compensation, except a reasonable charge for saving and caring therefor. If the owner is not known to such finder or saver, he must, within five days, file an affidavit with the justice of the peace of the county whose office is nearest to the place of such finding or saving, particularly describing the property and the time, place, and circumstances under which it was found or saved. Such justice must then summon three disinterested persons to appraise the property. They, or a majority of them, must make two lists of the valuation and description of the property, by them verified, and deliver one of such lists to the justice of the peace, to be kept by him on file in his office, and the other list must be delivered to such finder or saver, who must, within five days thereafter, cause it to be filed for record in the office of the county recorder of the county, who must record it in a book known as the "Estray and Lost Property Book."

Finder of goods or money, or saving animals, if owner is known, duty of.

If owner is not known.

Valuation of property.

Record of property.

SEC. 2. Section eighteen hundred and seventy-one of said code is hereby amended to read as follows:

Property vests in finder, when.

1871. If no owner appears within six months after such finding or saving and offers reasonable proof of his ownership, and compensates, or in good faith offers to compensate, the finder or saver for the expense necessarily incurred by him, then such property vests in such finder or saver, unless it is of greater value than twenty dollars. If of such greater value, he must publish a copy of such verified list for three successive weeks in some newspaper of general circulation published in the county, and if the owner does not, within one year after the completion of such publication, prove the property and pay, or in good faith offer to pay, all charges thereon, the title thereto vests in such finder or saver. If the finder or saver of property does not comply with the provisions of section eighteen hundred and sixty-five, or if, though he does so comply, he refuses to surrender the property to an owner who has made reasonable proof of ownership, and paid, or in good faith offered to pay, all legal charges thereon, he is liable to the owner for double the value of the property, and the owner may exonerate himself from all liability arising out of such property by surrendering, or offering to surrender, it in satisfaction thereof.

Publication in certain cases.

Liability of finder to owner

#### CHAPTER CDLIV.

*An act to amend sections nineteen hundred and twenty-nine, nineteen hundred and thirty, and nineteen hundred and thirty-two of the Civil Code, all relating to the hiring of property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nineteen hundred and twenty-nine of the Civil Code is hereby amended to read as follows:

Hirer to repair injuries.

1929. The hirer of a thing must repair all deteriorations or injuries thereto occasioned by his want of ordinary care.

SEC. 2. Section nineteen hundred and thirty of said code is hereby amended to read as follows:

Thing let for a particular purpose.

1930. When a thing is let for a particular purpose the hirer must not use it for any other purpose; and if he does, he is liable to the letter for all damages resulting from such use, or the letter may treat the contract as thereby rescinded.

SEC. 3. Section nineteen hundred and thirty-two of said code is hereby amended to read as follows:

Hirer may terminate the hiring, when.

1932. The hirer of a thing may terminate the hiring before the end of the term agreed upon:

1. When the letter does not, within a reasonable time after request, fulfill his obligations, if any, as to placing and secur-



ing the hirer in the quiet possession of the thing hired, or putting it into good condition, or repairing; or,

2. When the greater part of the thing hired, or that part which was and which the letter had at the time of the hiring reason to believe was the material inducement to the hirer to enter into the contract, perishes from any other cause than the want of ordinary care of the hirer.

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## CHAPTER CDLV.

*An act to amend sections twenty-one hundred and eighty, and twenty-one hundred and ninety-five, of the Civil Code, all relating to common carriers.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-one hundred and eighty of said code is hereby amended to read as follows:

2180. A common carrier of persons, unless his vehicle is fitted for the reception of persons exclusively, must receive and carry a reasonable amount of baggage for each passenger without charge, except for an excess of weight over one hundred pounds to a passenger; if such carrier is a proprietor of a stage line, he need not receive and carry for each passenger by such stage line, without charge, more than sixty pounds of baggage.

Common carriers of persons, obligation to carry baggage.

SEC. 2. Section twenty-one hundred and ninety-five of said code is hereby amended to read as follows:

2195. A common carrier is liable, even in the cases excepted by the last section, if his want of ordinary care exposes the property to the cause of the loss.

Liability of common carrier of property

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## CHAPTER CDLVI.

*An act to amend section twenty-two hundred and thirty-six of the Civil Code, relating to the obligations of trustees.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-two hundred and thirty-six of the Civil Code is hereby amended to read as follows:

2236. A trustee who willfully and unnecessarily mingles the trust property with his own, so as to constitute himself in appearance its absolute owner, is liable for its safety in all events, and for the value of its use.

Obligations of trustees.

## CHAPTER CDLVII.

*An act to amend section twenty-three hundred and thirty-four of the Civil Code, relating to the liability of principals for the acts of their agents.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Mutual obligations of principal and third person.

Principal bound by acts of agent.

SECTION 1. Section twenty-three hundred and thirty-four of the Civil Code is hereby amended to read as follows:

2334. A principal is bound by acts of his agent, under a merely ostensible authority, to those persons only who have in good faith, and without want of ordinary care, incurred a liability or parted with value, upon the faith thereof.

## CHAPTER CDLVIII.

*An act to amend section twenty-five hundred and forty-one of the Civil Code, relating to insurance of mortgaged property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-five hundred and forty-one of the Civil Code is hereby amended to read as follows:

Insurance of mortgaged property; effect of acts performed by mortgagee for mortgagor.

2541. Where a mortgagor of property effects insurance in his own name, providing that the loss shall be payable to the mortgagee, or assigns a policy of insurance to the mortgagee, the insurance is deemed to be upon the interest of the mortgagor, who does not cease to be a party to the original contract, and any act of his which would otherwise avoid the insurance will have the same effect, although the property is in the hands of the mortgagee, but any act which, under the contract of insurance, is to be performed by the mortgagor, may be performed by the mortgagee, with the same effect as if it had been performed by the mortgagor.

## CHAPTER CDLIX.

*An act to amend sections twenty-nine hundred and three and twenty-nine hundred and thirteen of the Civil Code, both relating to liens.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. Section twenty-nine hundred and three of the Civil Code is hereby amended to read as follows:

2903. Every person, having an interest in property subject to a lien, has a right to redeem it from the lien, at any time after the claim is due, and before his right of redemption is foreclosed, and, by such redemption, becomes subrogated to all the benefits of the lien, as against all owners of other interests in the property, except in so far as he was bound to make such redemption for their benefit.

Lien,  
right to  
redeem  
from.

SEC. 2. Section twenty-nine hundred and thirteen of said code is hereby amended to read as follows:

2913. The voluntary restoration of property to its owner by the holder of a lien thereon dependent upon possession extinguishes the lien as to such property, unless otherwise agreed by the parties, and extinguishes it, notwithstanding any such agreement, as to creditors of the owner and persons, subsequently acquiring a title to the property, or a lien thereon, in good faith, and for value.

Lien, when  
restora-  
tion extin-  
guishes.

## CHAPTER CDLX.

*An act to add a new section to the Civil Code, to be numbered twenty-nine hundred and seventy-three, relating to mortgages of personal property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered twenty-nine hundred and seventy-three, and to read as follows:

2973. Mortgages of personal property, other than that mentioned in section twenty-nine hundred and fifty-five, and mortgages not made in conformity with the provisions of this article, are nevertheless valid between the parties, their heirs, legatees, and personal representatives, and persons who, before parting with value, have actual notice thereof.

Mortgages  
on per-  
sonal  
property,  
validity of  
certain.

## CHAPTER CDLXI.

*An act to add five new sections to the Civil Code, to be numbered thirty hundred and sixty-one, thirty hundred and sixty-two, thirty hundred and sixty-three, thirty hundred and sixty-four, and thirty hundred and sixty-five, all relating to liens on personal property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to said code to be numbered thirty hundred and sixty-one and to read as follows:

Lien of workmen on threshing machines, etc.

3061. Every person performing work or labor in, with, about, or upon any barley crusher, threshing machine or engine, horsepower, wagon, or other appliance thereof, while engaged in crushing or threshing, has a lien thereon to the extent of the value of his services. Such lien extends for ten days after any such person ceases such work or labor; *provided*, within that time, an action is brought to recover the amount of the claim. If judgment is given in favor of the plaintiff in any such action, and it is further found that he is entitled to a lien under the provisions of this section, property subject thereto, or so much thereof as may be necessary, may be sold to satisfy such judgment; but if several judgments have been recovered against the same property for the enforcement of such liens, the proceeds of the sale must be divided pro rata among the judgment creditors.

SEC. 2. A new section is hereby added to said code to be numbered thirty hundred and sixty-two and to read as follows:

Lien of person in charge of stallion, etc.

3062. Every owner or person having in charge any stallion, jack, or bull, used for propagating purposes, has a lien for the agreed price of its service upon any mare or cow and upon the offspring of such service, unless some willfully false representation concerning the breeding or pedigree of such stallion, jack, or bull has been made or published by the owner or person in charge thereof, or by some other person, at the request or instigation of such owner or person in charge.

SEC. 3. A new section is hereby added to said code to be numbered thirty hundred and sixty-three, and to read as follows:

Claimant of lien must file verified claim.

3063. Every claimant of a lien provided for in the preceding section must, within ninety days after the service on account of which the lien is claimed, file in the office of the county recorder of the county where the mare or cow subject thereto is kept, a verified claim containing a particular

description of the mare or cow, the date and place of service, the name of the owner or reputed owner of such mare or cow, a description by name, or otherwise, of the stallion, jack, or bull performing the service, the name of the owner or person in charge thereof, and the amount of the lien claimed. Such claim, so filed, is notice to subsequent purchasers and incumbrancers of such mare or cow and of the offspring of such service for one year after such filing.

Such claim a notice to subsequent purchasers.

SEC. 4. A new section is hereby added to said code to be numbered thirty hundred and sixty-four, and to read as follows:

3064. An action to enforce any lien created under section thirty hundred and sixty-two may be brought in any county wherein any of the property subject thereto may be found, and the plaintiff is entitled to the remedies provided in sections thirty hundred and forty-four and thirty hundred and sixty-five upon complying with such sections, both of which are hereby made applicable to the proceedings in such action.

Action to enforce lien.

SEC. 5. A new section is hereby added to said code to be numbered thirty hundred and sixty-five and to read as follows:

3065. A person who labors at cutting, hauling, rafting, or drawing logs, bolts, or other timber, has a lien thereon for the amount due for his personal services, which takes precedence of all other claims, to continue for thirty days after the logs, bolts, or other timber arrive at the place of destination for sale or manufacture, while such logs, bolts, or other timber are in the county in which such labor was performed. The lien hereby created ceases and determines unless the claimant thereof, within twenty days from the time such labor is completed, brings suit to foreclose the same. The plaintiff in any such suit, at the time of issuing the summons or at any time afterwards, may have the logs, bolts, or other timber upon which such lien subsists attached, as provided in this code, upon delivering to the clerk an affidavit by or on behalf of the plaintiff, showing that defendant is indebted to the plaintiff upon a demand for labor performed, either in the cutting, hauling, rafting, or drawing such logs, bolts, or other timber, and that the sum for which the attachment is asked is an actual bona fide existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought, and the action is not brought, to hinder, delay, or defraud any creditor or creditors of the defendant.

Lien of person who labors at cutting, etc., logs, lumber, etc.

Lien ceases, when.

Property upon which lien subsists may be attached.

## CHAPTER CDLXII.

*An act to amend sections thirty-one hundred and thirty-one, thirty-one hundred and seventy-six, thirty-one hundred and ninety-seven, and thirty-two hundred and thirty-five, of the Civil Code, all relating to negotiable instruments.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-one hundred and thirty-one of the Civil Code is hereby amended to read as follows:

Negotiable instrument, presentment for payment, how made.

3131. Presentment of a negotiable instrument for payment, when necessary, must be made as follows, as nearly as by reasonable diligence it is practicable:

1. The instrument must be presented by the holder, or his agent;

2. The instrument must be presented to the principal debtor, if he can be found at the place where presentment should be made; and if not, then it must be presented to some other person having charge thereof, or employed therein, if one can be found there;

3. An instrument which specifies a place for its payment must be presented there; and if the place specified includes more than one house, then at the place of residence, or business, of the principal debtor, if it can be found therein;

4. An instrument which does not specify a place for its payment must be presented at the place of residence, or business, of the principal debtor, or wherever he may be found, at the option of the presentor;

5. The instrument must be presented upon the day of its maturity, or, if it is payable on demand, it may be presented upon any day. It must be presented within reasonable hours; and if it is payable at a banking house, within the usual banking hours of the vicinity, but, by the consent of the person to whom it should be presented, it may be presented at any hour of the day;

6. If the principal debtor has no place of business, or if his place of business, or residence, cannot, with reasonable diligence, be ascertained, presentment for payment is excused.

SEC. 2. Section thirty-one hundred and seventy-six of said code is hereby amended to read as follows:

Bills of exchange, where payable.

3176. A bill of exchange is payable:

1. At the place where, by its terms, it is made payable.

2. If it specifies no place of payment, then at the place to which it is addressed.

3. If it is not addressed to any place, then at the place of residence or business of the drawee, or wherever he may be found. If the drawee has no place of business, or if his place of business or residence cannot, with reasonable diligence, be ascertained, presentment for payment is excused, and the bill may be protested for non-payment.

SEC. 3. Section thirty-one hundred and ninety-seven of said code is hereby amended to read as follows:

3197. An unconditional promise, in writing, to accept a bill of exchange, is a sufficient acceptance thereof, in favor of every person who upon the faith thereof has taken the bill for value. Bills of exchange, promise to accept, effect of.

SEC. 4. Section thirty-two hundred and thirty-five of said code is hereby amended to read as follows:

3235. Damages are allowed under the last section upon bills drawn upon any person: Foreign bills of exchange, rate of damages.

1. If drawn upon a person in this state, two dollars upon each one hundred dollars of the principal sum specified in the bill;

2. If drawn upon a person out of this state, five dollars upon each one hundred dollars of the principal sum specified in the bill;

3. If drawn upon a person in any place in a foreign country, fifteen dollars upon each one hundred dollars of the principal sum specified in the bill.

#### CHAPTER CDLXIII.

*An act to amend section thirty-two hundred and ninety-four of the Civil Code, relating to exemplary damages.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-two hundred and ninety-four of the Civil Code is hereby amended to read as follows:

3294. In an action for the breach of an obligation not arising from contract, where the defendant has been guilty of oppression, fraud, or malice, express or implied, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant. Exemplary damages, in what cases allowed.

#### CHAPTER CDLXIV.

*An act to add a new section to the Civil Code, to be numbered thirty-three hundred and forty-six a, relating to damages for negligently firing woods.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered thirty-three hundred and forty-six a, and to read as follows:

3346a. Every person negligently setting fire to his own woods, or negligently suffering any fire to extend beyond his own land, is liable in treble damages to the party injured. Damages for firing woods.

## CHAPTER CDLXV.

*An act to amend section thirty-three hundred and sixty-six of the Civil Code, relating to specific and preventive relief.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-three hundred and sixty-six of the Civil Code is hereby amended to read as follows:

Specific relief, etc., when allowed.

3366. Specific or preventive relief may be given as provided by the laws of this state.

## CHAPTER CDLXVI.

*An act to amend section thirty-four hundred and fifty-one of the Civil Code, relating to assignments for the benefit of creditors.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-four hundred and fifty-one of the Civil Code is hereby amended to read as follows:

Assignments for benefit of creditors, certain transfers not affected.

3451. The provisions of this title do not prevent a person residing in another state or country from making there, in good faith, and without intent to evade the laws of this state, a transfer of property situated within it; but such person cannot make a general assignment of property situated in this state for the satisfaction of all his creditors, except as in this title provided; nor do the provisions of this title affect the power of a person, although insolvent, and whether residing within or without this state, to transfer property in this state, in good faith to a particular creditor, or creditors, or to some other person or persons in trust for such particular creditor or creditors for the purpose of paying or securing the whole or part of a debt owing to such creditor or creditors, whether in his or their own right or otherwise.



## CHAPTER CDLXVII.

*An act to amend section four hundred and sixteen of the Political Code relating to the fees of the secretary of state.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and sixteen of the Political Code is hereby amended to read as follows:

416. The secretary of state, for services performed in his office, must charge and collect the following fees: Fees,  
secretary  
of state

1. For a copy of any law, resolution, record, or other document or paper on file in his office, twenty cents per folio.

2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.

4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars, and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars, and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars, and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation without capital stock, except co-operative associations, five dollars; for filing articles of incorporation of co-operative associations, formed under the act of eighteen hundred and ninety-five, and acts supplementary thereto or amendatory thereof, fifteen dollars.

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof of such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

Fees,  
secretary  
of state.

10. For filing amended articles of incorporation, unless otherwise provided for, five dollars.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate on continuance of existence, five dollars.

14. For issuing certificate of continuance of existence, three dollars.

15. For filing claim to trademark, and issuing certificate of filing, five dollars.

16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

17. For filing certificate of increase or decrease of number of directors, five dollars.

18. For issuing certificate of increase or decrease of number of directors, three dollars.

19. For receiving and recording each official bond, five dollars.

20. For filing notice of appointment of agent, five dollars.

21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, and extradition papers excepted), five dollars.

22. For each patent for land issued by the governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

23. For issuing certificate of official character, two dollars.

24. For recording miscellaneous documents or papers, twenty cents per folio.

25. For filing certified copy of order and decree of court, changing name, five dollars.

Excep-  
tions.

No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of their office; nor shall they be charged any fee for a certified copy of any law or resolution passed by the legislature relative to their official duties.

Dispo-  
sition of  
fees.

All fees collected by the secretary of state must, at the end of each month, be paid into the state treasury. Three thousand dollars of such monthly returns shall be credited to and constitute the state library fund, and the balance shall be paid into the general fund of the state.

## CHAPTER CDLXVIII.

*An act to amend sections eighteen hundred and seventeen, eighteen hundred and eighteen and eighteen hundred and twenty of the Political Code, all relating to county and city and county school tax.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and seventeen of the Political Code is hereby amended to read as follows:

1817. The county superintendent of every county, and of every city and county, must, at least fifteen days before the first day of the month in which the board of supervisors of such county, or city and county, is required by law to levy the amount of taxes required for county, or city and county purposes, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of county or city and county school fund needed for the next ensuing school year. This amount he must compute as follows:

Public schools, county superintendent of, to estimate county school tax.

First: The county superintendent of every county and of every city and county must ascertain in the manner provided for in subdivisions one and two of section 1858, of the Political Code, the total number of teachers for the county, or the city and county.

To ascertain number of teachers.

Second: The county superintendent of every county and of every city and county must calculate the amount required to be raised at five hundred and fifty dollars per teacher. From this amount he must deduct the total amount received from state apportionments for the next preceding school year and the remainder shall be the minimum amount of county, or city and county school fund needed for the ensuing school year; *provided*, that if this amount is less than sufficient to raise a sum equal to seven dollars for each census child in the county, or city and county, then the minimum amount shall be such a sum as will be equal to seven dollars for each census child in the county, or city and county; but in no case shall the rate of tax levied for county or city and county school purposes in any one year exceed fifty cents on each one hundred dollars of taxable property in the county or city and county.

To calculate amount required per teacher.

Maximum rate.

SEC. 2. Section eighteen hundred and eighteen of the Political Code is hereby amended to read as follows:

1818. The board of supervisors of every county or city and county must annually, at the time and in the manner of levying other county or city and county taxes, levy and cause to be collected for the county or city and county school fund a

Levy and collection of tax.

Rate, how determined.

tax, to be known as the county or city and county school tax, the maximum rate of which must not exceed fifty cents on each one hundred dollars of taxable property in the county or city and county, nor the minimum rate be less than sufficient to raise the minimum amount estimated to be raised by the county superintendent of any county, or of any city and county, in accordance with the provisions of section eighteen hundred and seventeen of the Political Code.

The supervisors must determine the minimum rate of the county or city and county school tax as follows:

They must deduct fifteen per cent from the equalized value of the last general assessment roll and the amount required to be raised divided by the remainder of the assessment roll, is the rate to be levied; but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Special fund for teachers' salaries.

(a) In every county, or city and county, constituting but one school district, a portion of the school funds for any fiscal year subsequent to the present fiscal year equal in amount to the sum total of teachers' salaries for the next preceding fiscal year payable out of the school fund in question, shall constitute a special fund, to be used only for the payment of teachers' salaries as hereinafter provided, and to be known as the teachers' salary fund; *provided*, that no portion of any school fund consisting of moneys which are applicable exclusively to some special purpose defined by statute other than the payment of teachers' salaries shall be deemed a part of such school fund for the purposes of this act. Out of the teachers' salary fund shall be paid the salaries of all teachers holding in the fiscal year positions which existed in the preceding fiscal year. No other demands whatsoever shall be paid out of such fund. If, by any increase in the rate of salaries, or for any other cause, such fund should be insufficient to pay all of the salaries which constitute demands against it such fund shall be divided pro rata among such demands, and the portion of such demands unpaid shall be payable out of any available money in the school fund of which said teachers' salary fund constitutes a part. If teachers' positions other than or in addition to those which existed in the preceding fiscal year are created, the salaries of teachers holding such different or additional positions shall not be paid out of the teachers' salary fund, but out of any other available moneys; but the amount of such salaries shall be included in determining the amount of the teachers' salary fund for the succeeding fiscal year. If there remain in any fiscal year any money in any teachers' salary fund after the payment of all legal demands for such year against such fund, such money so remaining shall be transferred to the general school fund of which said teachers' salary fund is a part, and shall become available for the payment of any unpaid lawful demands against such general fund. It shall be the duty of any officer whose duty it is to audit demands against the school fund of any such county, or city and county in this

Procedure if fund is insufficient.

Unused special fund to be transferred to general school fund.

Statement of amount of money used.

state, on or before the first Monday of the fiscal year, to file with the board of supervisors of such county, or city and county, and with the officer whose duty it is to pay demands against the school fund of any such county, or city and county, a certified copy of the statement made by him of the amount of money used in such county, or city and county, for the payment of teachers' salaries for the next preceding fiscal year, and no demands against the school funds of such county, or city and county, shall be allowed, audited, or paid until said copies shall have been filed, as aforesaid. The allowance, audit, or payment of any demand out of a teachers' salary fund in violation of this act, may be enjoined by the suit of any teacher whose salary is payable from said fund. The members of the governing body of any such county, or city and county, in this state, who shall pass a demand against said teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to audit demands against such fund and who shall audit a demand against such teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to pay demands against such funds, and who shall pay a demand against said teachers' salary fund in violation of this act, shall each be jointly and severally liable therefor to any teacher whose salary is payable from said fund who shall have been damaged by the allowance, audit, and payment of such demand.

Liability for violation of this act.

SEC. 3. Section eighteen hundred and twenty of the Political Code is hereby amended to read as follows:

1820. All moneys derived from this tax in each county, or city and county, must be paid into the treasury thereof to the credit of the school fund.

Disposition of proceeds of tax

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CDLXIX.

*An act to amend section two thousand one hundred and sixty-one of the Civil Code, relating to the carriage of telegraph and telephone messages.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand one hundred and sixty-one of the Civil Code is hereby amended to read as follows:

2161. A carrier of messages for reward, other than by telegraph or telephone, must deliver them at the place to which they are addressed, or to the person for whom they are intended. Such carrier, by telegraph or telephone, must deliver them at such place and to such person, *provided* the

Obligation of carrier of messages.

place of address, or the person for whom they are intended, is within a distance of two miles from the main office of the carrier in the city or town to which the messages are transmitted, and the carrier is not required, in making the delivery, to pay on his route toll or ferriage; but for any distance beyond one mile from such office, compensation may be charged for a messenger employed by the carrier.

## CHAPTER CDLXX.

*An act to repeal section 427 of the act entitled "An act to establish a Civil Code of the State of California," approved March 21st, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Section 427  
repealed.

SECTION 1. Section four hundred and twenty-seven of the Civil Code is hereby repealed.

SEC. 2. A new section is hereby added to the Civil Code of the State of California to be known as section 421, the same to read as follows:

Corpora-  
tions,  
insurance.  
in general;  
how cap-  
ital and  
accumula-  
tions may  
be in-  
vested by.

421. Corporations organized under the laws of this state for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:

1. In the purchase of, or loans upon interest-bearing bonds of the United States government.

2. In the purchase of, or loans upon interest-bearing bonds of any of the states of the United States, not in default for interest on such bonds.

3. In the purchase of, or loans upon interest-bearing bonds of any of the counties and incorporated cities and towns of any state or territory of the United States not in default for interest on such bonds.

4. In loans upon unincumbered real property, which shall be worth, at the time of the investment, at least, forty per cent more than the sum loaned, or upon merchandise or cereals in warehouse, but in no instance shall such loan be made in excess of seventy-five per cent of the security taken.

Title insur-  
ance com-  
panies.

5. Corporations engaged in the business of insuring titles to real estate may, after the investment of one hundred thousand dollars in the manner provided for in subdivisions one, two, three and four of this section, invest an amount not exceeding fifty per cent of their subscribed capital stock, in the preparation or purchase of the materials

or plant necessary to enable them to engage in such business; and such material or plant shall be deemed an asset valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such corporations.

6. Corporations organized for and engaged in the business of fire, life, health, accident and marine insurance, may, after the investment of two hundred thousand dollars, and corporations formed or organized for the transaction of business in any kind of insurance not enumerated in section four hundred and nineteen of the Civil Code may, after the investment of one hundred thousand dollars, in the manner provided in subdivision one, two, three and four of this section, invest the balance of their capital and any accumulations in the purchase of or loans upon the stock of any corporation (except mining companies) organized and carrying on business under the laws of the State of California which have at the time of investment a market value of not less than their paid-in value, and which are rated as first-class securities, or in interest-bearing first mortgage bonds of same not in default of interest; *provided*, that a two-thirds vote of all the directors of such corporations shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly during the months of January, April, July and October of each year to the insurance commissioner a list of such investments so made by them, and the insurance commissioner may, if such investments, or any of them, seem injudicious to him, require the sale of the same. But no investment in the securities named in subdivisions one, two, three and six of this section must be made in an amount exceeding the market value of such securities, at the date of such investment.

Fire, life,  
health,  
accident,  
and  
marine  
insurance  
companies.

7. Life insurance corporations may loan upon their own policies; *provided* that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section six hundred and thirty-four of the Political Code; *and provided further*, that whenever any such loan in any amount is made on a policy registered with the insurance commissioner under said section six hundred and thirty-four of the Political Code, such registration shall be forthwith canceled.

Life insur-  
ance com-  
panies.

8. Nothing in this section contained shall be construed as in anywise affecting the provisions of section four hundred and forty-four of this code.

Not to  
affect  
certain  
provisions.

## CHAPTER CDLXXI.

*An act to add a chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A chapter is hereby added to Title I of Part IV of Division First of the Civil Code to read as follows:

## CHAPTER VI.

## FOREIGN CORPORATIONS.

- Sec. 405. Designation of person on whom process may be served. Service on the secretary of state, when valid.  
 Sec. 406. Foreign corporations, statute of limitations in favor of. Proof of corporate existence. Change of designation.  
 Sec. 407. Foreign railway corporations, rights of in this state.  
 Sec. 408. Foreign corporations to file certified copies of articles of incorporation.  
 Sec. 409. Foreign corporations, fees to be paid by, on filing certified copies of articles of incorporation.  
 Sec. 410. Foreign corporations, penalty for failure to file certified copies of articles of incorporation.

Corporations, foreign.

Must file designation of person upon whom process may be served.

Service on secretary of state, when valid.

Statutes of limitation in favor of.

Proof of corporate existence.

Exemptions.

405. Every corporation other than those created by or under the laws of this state must, within forty days from the time it commences to do business therein, file in the office of the secretary of state a designation of some person residing within the state upon whom process issued by authority of or under any law of this state may be served. A copy of such designation, duly certified by the secretary of state, is sufficient evidence of such appointment. Such process may be served on the person so designated, or, in the event that no such person is designated, then on the secretary of state, and the service is a valid service on such corporation.

406. Every corporation which complies with the provisions of this chapter is thereafter entitled to the benefit of the laws of this state limiting the time for the commencement of civil actions, but no corporation not created by or under the laws of this state is entitled to the benefit thereof, nor can any such corporation maintain or defend any action or proceeding in any court of this state until the corporation has complied with the provisions of the preceding section. In any action or proceeding instituted against any body styled as a corporation, but not created by nor under the laws of this state, evidence that such body has acted as a corporation, or employed methods usually employed by corporations, must be received by the court for the purpose of proving the existence of such corporation, the sufficiency of such evidence to be determined by the court with like effect as in other cases. Every corporation which has complied with the laws then in force, requiring it to make and



file a designation of the person upon whom process against it may be served, need not make or file any further designation. Any designation heretofore or hereafter made may be revoked by the filing by the corporation with the secretary of state of a writing stating such revocation. Within forty days after the death or removal from the state of any person designated by the corporation, or after the revocation of the designation, the corporation must make a new designation, or be subject to the provisions and penalties of this chapter.

Revoca-  
tion.

New  
appoint-  
ment.

407. Every railway or other corporation organized for the purpose of carrying freight or passengers under or by virtue of the laws of the United States, or of any state or territory thereof, may build railroads, exercise the right of eminent domain, and transact any other business which it might do if it were created and organized under or by virtue of the laws of this state, and has the same rights, privileges, and immunities, and is subject to the same laws, penalties, obligations, and burdens as if created or organized under and by virtue of the laws of this state. Nothing contained in this section shall be construed to exempt any corporation from any duty or liability imposed upon it by any of the provisions of this chapter.

Foreign  
railroads,  
rights in  
this state.

408. Every corporation organized under the laws of another state, territory, or of a foreign country, which is now doing business in this state, or is maintaining an office herein, or which shall hereafter do business in this state or maintain an office herein, or which shall enter this state for the purpose of doing business herein, must file in the office of the secretary of state of the State of California a certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, in cases where it has been created by charter, or statute, or legislative, or executive, or governmental act, and a certified copy thereof, duly certified by the secretary of state of this state, in the office of the county clerk of the county where its principal place of business is located, and also where such corporation owns property.

Foreign  
corpora-  
tions must  
file certi-  
fied copy  
of articles,  
etc., in  
office of  
secretary  
of state.

Certified  
copy there-  
of to be  
filed with  
certain  
county  
clerks.

409. For filing and issuing a certified copy as required in section four hundred and eight of this code, corporations formed under the laws of another state, or of a territory, or of a foreign country, must pay the same fees as are paid by corporations formed under the laws of this state.

Fees for  
filing.

410. Every corporation organized under the laws of another state, territory, or of a foreign country, which shall neglect or fail, within ninety days from the taking effect of this section, to comply with the conditions of sections four hundred and eight and four hundred and nine of this code, shall be subject to a fine of not less than five hundred dollars, to be recovered in any court of competent jurisdiction; and it is hereby made the duty of the secretary of state, as

Penalty for  
failure to  
comply.

District  
attorney or  
attorney-  
general to  
institute  
suit.

Exemp-  
tions.

he may be advised that corporations are doing business in contravention of sections four hundred and eight and four hundred and nine of this code, to report the fact to the governor, who shall instruct the district attorney of the county wherein such corporation has its principal place of business, or the attorney-general of the state, or both, as soon as practicable, to institute proceedings to recover the fine provided for in this section, and the amount so recovered must be paid into the state treasury to the credit of the general fund of the state; in addition to which penalty, no foreign corporation which shall fail to comply with sections four hundred and eight and four hundred and nine of this code can maintain any suit or action in any of the courts of this state until it has complied with said sections; *provided*, that any such corporation which, prior to the 8th day of March, 1901, shall have complied with the provisions of the act entitled "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872," approved March 17, 1899, is exempted from the provisions of this section and the two sections next preceding.

## CHAPTER CDLXXII.

*An act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new chapter is hereby added to Title IV of Part III of the Code of Civil Procedure, to be numbered Chapter IV, and to read as follows:

### CHAPTER IV.

#### CERTAIN LIENS UPON ANIMALS.

Sec. 1208. Liens arising from acts done in preventing cruelty to animals, how enforced.

Lien upon  
certain  
animals.

When not  
satisfied.

Resort to  
proper  
court to  
satisfy, or  
sell by  
giving  
published  
notice.

1208. Any person having a lien upon any animal or animals under the provisions of sections five hundred and ninety-seven *a*, or five hundred and ninety-seven *b*, of the Penal Code may satisfy such lien as follows: If such lien be not discharged and satisfied, by the person responsible, within three days after the obligation becomes due, then the person holding such lien may resort to the proper court to satisfy the claim; or he, three days after the charges against such property become due, may sell the same, or such undivided fraction thereof as may become necessary, to defray the

amount due and costs of sale, by giving three days notice of the sale by advertising in some newspaper published in the county, or city and county, in which the lien has attached to the property; or, if there is no paper published in the county, then by posting notices of the sale in three of the most public places in the town or township for three days previous to the sale. Said notices shall contain an accurate description of the property to be sold, together with the terms of sale, which must be for cash, payable on the consummation of the sale. The proceeds of the sale must be applied to the discharge of the lien and the costs of sale; the remainder, if any, must be paid over to the owner, if known, and if not known must be paid into the treasury of the humane society of the county, or city and county, wherein the sale takes place; if no humane society exists in the county, then the remainder shall be paid into the county treasury.

Notice to contain, what.

Proceeds of sale.

### CHAPTER CDLXXIII.

*An act to add a new section to the Political Code of the State of California, to be known as section 1264a, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section 1264a of the Political Code, to read as follows:

**1264a.** The board of election must before it adjourns, enclose in a cover and seal up and direct to the county clerk or to the registrar of voters, in counties or cities and counties in this state having a registrar of voters, the roster of voters and such sealed package containing such roster of voters must be delivered to that one of its members who has been selected to deliver the other sealed packages required by law. This member must, without delay, deliver the package containing the roster of voters without its having been opened in the same manner and to the same persons and officials as he is required by law to deliver the other sealed packages entrusted to him by said board. All rosters of voters must be kept in the office of the county clerk or in the office of the registrar of voters in counties and cities and counties having a registrar of voters, as a public record, for a period of one year and when received by such county clerk or registrar of voters, all packages containing such rosters of voters shall be unsealed and such rosters of voters shall at all times be open to the inspection of any citizen. The provisions of this section shall apply to all rosters of voters whether used at elections or primary elections.

Election, delivery and custody of roster of voters after.

To apply to all elections.

## CHAPTER CDLXXIV.

*An act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court and to fix the compensation of certain officers thereof.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Police courts in cities of second class.

SECTION 1. Section seven of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof," approved March twenty-third, one thousand nine hundred and one, is hereby amended to read as follows:

Prosecuting and assistant prosecuting attorneys.

Section 7. Said police courts shall have one prosecuting attorney and an assistant prosecuting attorney who shall each be appointed by the district attorney of the county in which the city is situated, and who shall hold office for the term of two years from the date of their appointment. Said prosecuting attorney shall receive an annual salary of two thousand (2000) dollars and said assistant prosecuting attorney an annual salary of one thousand five hundred (1500) dollars, which salaries shall be paid in equal monthly installments, out of the treasury of said city, which salaries shall be in full compensation for all services rendered by them. It shall be the duty of said prosecuting attorney and said assistant prosecuting attorney to attend the sessions of said police court and conduct, on behalf of the people, all prosecutions for public offenses of which said court has jurisdiction.

Compensation.

Duty of.

## CHAPTER CDLXXV.

*An act to amend section one hundred and thirty-six of the Civil Code relating to provision for maintenance where divorce is denied.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and thirty-six of the Civil Code is hereby amended to read as follows:

Divorce, maintenance by husband where judgment is denied.

136. Though judgment of divorce is denied, the court may, in an action for divorce, provide for the maintenance by the husband, of the wife and children of the marriage, or any of them.

## CHAPTER CDLXXVI.

*An act to amend section seven of the Penal Code, relating to definitions.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven of the Penal Code is hereby amended to read as follows:

7. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it, by a person who writes his own name as a witness; *provided*, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.

Words,  
terms and  
phrases in  
Penal  
Code,  
defini-  
tion of.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage;

2. The words "neglect," "negligence," "negligent," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns;

3. The word "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person;

4. The words "malice" and "maliciously" import a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law;

5. The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission;

Definition  
of words,  
etc., in  
Penal  
Code.

6. The word "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity;

7. The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, canal-boats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons;

8. The words "peace officer" signify any one of the officers mentioned in section eight hundred and seventeen;

9. The word "magistrate" signifies any one of the officers mentioned in section eight hundred and eight;

10. The word "property" includes both real and personal property;

11. The words "real property" are coextensive with lands, tenements, and hereditaments;

12. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

13. The word "month" means a calendar month, unless otherwise expressed; the word "day-time" means the period between sunrise and sunset, and the word "night-time" means the period between sunset and sunrise;

14. The word "will" includes codicil;

15. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings;

16. Words and phrases must be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, must be construed according to such peculiar and appropriate meaning;

17. Words giving a joint authority to three or more public officers or other persons, are construed as giving such authority to a majority of them, unless it is otherwise expressed in the act giving the authority;

18. When the seal of a court or public officer is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word "seal" against his name;

19. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories;

20. The word "section," whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.

## CHAPTER CDLXXVII.

*An act to amend section 1238 of the Code of Civil Procedure relating to the exercise of the power of eminent domain.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1238 of the Code of Civil Procedure is hereby amended to read as follows: Eminent domain, purposes for which it may be exercised.

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, light houses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States. Fortifications, etc.,

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislature of the state. Public buildings, state.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for the conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, or for the draining of any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom and widening and deepening or straightening their channels, roads, streets and alleys, public mooring places for water craft, public parks, including parks and other places covered by water and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized. Public buildings, county or city.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll-roads, by-roads, plank and turnpike roads; paths and roads either on the surface, elevated or depressed, for the use of bicycles, tricycles, motor-cycles and other horseless vehicles, steam, electric and horse railroads, canals, ditches, dams, pondings, flumes, aqueducts, and pipes, for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable. Wharves, docks, etc.

5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter Roads, tunnels, etc.

from the mines; also an occupancy in common by the owners or possessors of different mines of any place, for the flow, deposit or conduct of tailings or refuse matter from their several mines.

By-roads,  
etc.

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

Telegraph,  
etc.

7. Telegraph and telephone lines.

Sewerage.  
etc.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or to any college or university.

Roads.

9. Roads for transportation by traction engines or road locomotives.

Pipe-lines.

10. Oil pipe-lines.

Flumes.

11. Roads and flumes for logging or lumbering purposes.

Canals,  
etc.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, cars, railroads, tramways, mills, and factories with electric power; and also for the supplying of electricity to light or heat mines, cars, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations, together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

Electric  
lines.

13. Electric power lines, electric heat lines; and electric light, heat and power lines.

Cemeter-  
ies.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

#### CHAPTER CDLXXVIII.

*An act to amend section twenty-seven of the Penal Code, relating to persons liable to punishment for crime.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-seven of the Penal Code is hereby amended to read as follows:

Crimes,  
persons  
liable to  
punish-  
ment for.

27. The following persons are liable to punishment under the laws of this state:

1. All persons who commit, in whole or in part, any crime within this state;



2. All who commit any offense without this state which, if committed within this state, would be larceny, robbery, or embezzlement under the laws of this state, and bring the property stolen or embezzled, or any part of it, or are found with it, or any part of it, within this state;

3. All who, being without this state, cause or aid, advise or encourage, another person to commit a crime within this state, and are afterwards found therein.

## CHAPTER CDLXXIX.

*An act to amend sections forty-two, forty-five, forty-six, forty-seven, forty-nine, fifty, fifty-one, fifty-seven, fifty-nine, and sixty-two of the Penal Code, and to add six new sections thereto, to be numbered forty-two a, forty-nine a, fifty-four a, fifty-four b, fifty-five a, fifty-seven a, and sixty-three b, all relating to crimes against the elective franchise.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section forty-two of the Penal Code is hereby amended to read as follows:

Crimes  
against  
elective  
franchise.

42. Every person who willfully causes, procures, or allows himself to be registered in any register of electors required by law to be made or kept, knowing himself not to be entitled to such registration, is punishable by imprisonment in the state prison for not less than one nor more than three years.

Fraudu-  
lent regis-  
tration

SEC. 2. A new section is hereby added to said code, to be numbered forty-two a, and to read as follows:

42a. Every person who willfully causes, procures, or allows any other person to be registered in any register of electors required by law to be made or kept, knowing him not to be entitled to such registration, is punishable by imprisonment in the state prison for not less than one nor more than three years.

Allowing  
fraudulent  
registra-  
tion.

SEC. 3. Section forty-five of said code is hereby amended to read as follows:

45. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two or more tickets, folded together, or changes any ballot after the same has been deposited in the ballot-box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulently introducing the same into the ballot-box either before or after the ballots therein have been counted; or adds to, or mixes with, or attempts to add to or mix with, the ballots

Fraudu-  
lent  
voting.

lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll-lists, or ballots, or ballot-box, for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

SEC. 4. Section forty-six of said code is hereby amended to read as follows:

Attempt-  
ing to vote  
when not  
qualified.

46. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates, or attempts to personate, a person legally entitled to vote, is punishable by imprisonment in the state prison for not less than one nor more than two years.

SEC. 5. Section forty-seven of said code is hereby amended to read as follows:

Procuring  
illegal  
voting

47. Every person who procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, or who aids or abets in the commission of any of the offenses mentioned in the preceding section, is punishable by imprisonment in the state prison not exceeding two years.

SEC. 6. Section forty-nine of said code is hereby amended to read as follows:

Officers of  
election  
unfolding  
or mark-  
ing ballots.

49. Every inspector, judge, or clerk of an election who, previously to putting the ballot of an elector in the ballot-box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previously to putting the same into the ballot-box, or who makes or places any mark or device on any folded ballot with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge, or clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 7. A new section is hereby added to said code, to be numbered forty-nine *a*, and to read as follows:

Officer of  
election  
who can-  
not read or  
write or  
refusing to  
serve.

49*a*. Any person acting as a member of any election board, or as a clerk upon such board, who cannot read and write the English language, or any person who refuses to act upon such board, or as a clerk thereof, after proper noti-

fication of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the election board or board of supervisors, is guilty of a misdemeanor, and is subject to a fine of five hundred dollars, and upon failure to pay such fine, must be imprisoned in the county jail of the county for the period of one day for each two dollars of such fine.

SEC. 8. Section fifty of said code is hereby amended to read as follows:

50. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward where no election was in fact held, or willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the state prison for a term not less than two nor more than seven years.

Forging or altering returns.

SEC. 9. Section fifty-one of said code is hereby amended to read as follows:

51. Every person who willfully adds to, or subtracts from, the votes actually cast at an election, in any official or unofficial returns, or who alters such returns, is punishable by imprisonment in the state prison for not less than one nor more than five years.

Adding to or subtracting from votes cast.

SEC. 10. A new section is hereby added to said code to be numbered fifty-four *a*, to read as follows:

54*a*. It is unlawful for any person, directly, by himself, or through any other person:

Receiving or contracting for any money or thing of value for voting or not voting.

1. To receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons at any election;

2. To receive any money, or other valuable thing, during or after an election, on account of himself or any other person having voted, or refrained from voting, for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come to or remain away from the polls at such election;

3. To receive any money or other valuable thing, before, during, or after election, on account of, himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body

representing, or claiming to represent, a political party or principle, or any club, society, or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the state prison for not less than one nor more than seven years.

SEC. 11. A new section is hereby added to said code to be numbered fifty-four *b*, and to read as follows:

Promising  
or con-  
tributing  
any money  
or valuable  
considera-  
tion for a  
person's  
voting or  
not voting.

54*b*. It is unlawful for any person, directly or indirectly, by himself or through any other person:

1. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election;

2. To give, offer, or promise any office, place, or employment, or to promise to procure, or endeavor to procure, any office, place, or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons;

3. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election;

4. To procure, engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person, or the vote of any voter at such election;

5. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election;

6. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of such person, or to induce

such person to vote for any particular person or persons at any election;

7. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest, who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the state prison;

8. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association having voted to select or indorse any person as a candidate for a public office, except that a candidate for nomination to a public office may contribute such proportion of the cost and expense of holding a primary election as is authorized by the Political Code of this state, and no more;

9. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the state prison for not less than one year nor more than seven years.

SEC. 12. A new section is hereby added to said code to be numbered fifty-five *a*, and to read as follows:

55*a*. Any person, either individually or as an officer or member of any committee or association, who solicits or demands of any candidate for the legislature, supervisor, school director, or for any legislative body, that he shall vote for or against any particular bill or measure which may come before such body to which he may be elected, and any candidate for any of such offices who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before any such body, is guilty of a misdemeanor; and any candidate convicted under the provisions of this section is, in addition, disqualified from holding the office to which he may have been elected. The provisions of this section do not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination.

Soliciting  
or de-  
manding  
that a  
candidate  
vote for or  
against  
any  
measure  
or bill.

SEC. 13. Section fifty-seven of said code is hereby amended to read as follows:

Giving or offering bribes to members of legislative caucus, etc.

57. Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit, in this state, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the state prison not less than one nor more than seven years.

SEC. 14. A new section is hereby added to said code to be numbered fifty-seven *a*, and to read as follows:

Officers of election aiding in wrongdoing.

57*a*. Every officer or clerk of election who aids in changing or destroying any poll-list or official ballot, or in wrongfully placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box, before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll-list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the state prison for not less than two nor more than seven years.

SEC. 15. Section fifty-nine of said code is hereby amended to read as follows:

Force, violence, or restraint used to influence vote.

59. It is unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence, or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm, or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it is unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It is not lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay

Abduction, duress, etc.

Pay envelopes.

envelopes" upon which there is written or printed the name of any candidate, or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employés. Nor is it lawful for any employer, within ninety days of any election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employés may be working, any handbill or placard containing any threat, notice, or information, that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employés be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employés. This section applies to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

Threatening handbill, placard, or notices in workshops.

SEC. 16. Section sixty-two of said code is hereby amended to read as follows:

62. Every person who prints any ticket not in conformity with the provisions of chapter eight of title two of part three of the Political Code, or who circulates or gives to another any ticket, knowing at the time that such ticket does not conform to the provisions of chapter eight of title two of part three of the Political Code, is guilty of a misdemeanor.

Violation of election laws as to tickets.

SEC. 17. A new section is hereby added to said code, to be numbered sixty-three *b*, and to read as follows:

63*b*. Every person keeping a public house, saloon, or drinking place, whether licensed or unlicensed, who sells, gives away, or furnishes spirituous or malt liquors, wine, or any other intoxicant, on any part of any day set apart for any general or special election, in any election district or precinct in any county of the state where an election is in progress, during the hours when by law the polls are required to be kept open, is guilty of a misdemeanor.

Sale of intoxicants on election days.

## CHAPTER CDLXXX.

*An act to repeal Title I of Part III of the Penal Code, relating to state prisons.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Title I of Part III of the Penal Code and each and every chapter and section thereof are hereby repealed.

State prisons, repeal of certain laws.

CHAPTER CDLXXXI.

*An act to add a new section to the Penal Code, to be numbered seventy-four a, relating to the retention or diversion by an officer of any part of the salary or fees allowed to his subordinate officer.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Crimes by and against executive power.  
Retaining part of salary.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered seventy-four a, and to read as follows:

74a. Every officer of this state, or of any county, city and county, city, or township therein, who accepts, keeps, retains or diverts for his own use or the use of any other person any part of the salary or fees allowed by law to his deputy, clerk, or other subordinate officer, is guilty of a felony.

CHAPTER CDLXXXII.

*An act to amend section seventy-six of the Penal Code, relating to the refusal by an officer to surrender property to his successor.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Crimes by and against executive power.  
Refusal to surrender books to successor.

SECTION 1. Section seventy-six of said code is hereby amended to read as follows:

76. Every officer whose office is abolished by law, or who, after the expiration of the time for which he may be appointed or elected, or after he has resigned or been legally removed from office, willfully and unlawfully withholds or detains from his successor, or other person entitled thereto, the records, papers, documents, or other writings appertaining or belonging to his office, or mutilates, destroys or takes away the same, or willfully and unlawfully withholds or detains from his successor, or other person entitled thereto, any money or property in his custody as such officer, is punishable by imprisonment in the state prison not less than one nor more than ten years.



## CHAPTER CDLXXXIII.

*An act to amend section 100 of the Penal Code, relating to collusion and corruption by superintendent of state printing.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred of said code is hereby amended to read as follows:

Bribery and corruption.

100. If the superintendent of state printing corruptly colludes with any person or persons furnishing paper or materials, or bidding therefor, or with any other person or persons, or has any secret understanding with him or them, by himself or through others, to defraud the state, or by which the state is defrauded or made to sustain a loss, contrary to the true intent and meaning of this chapter, he, upon conviction thereof, forfeits his office, and is subject to imprisonment in the state prison for a term of not less than two years, and to a fine of not less than one thousand dollars nor more than three thousand dollars, or both such fine and imprisonment.

Superintendent of state printing, penalty for collusion.

## CHAPTER CDLXXXIV.

*An act to amend sections one hundred and nine and one hundred and ten, of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and nine of the Penal Code is hereby amended to read as follows:

Escapes, and aiding therein.

109. Every person who willfully assists any prisoner confined in any prison or jail, or any inmate of any public training school or reformatory, or any person in the lawful custody of any officer or person, to escape, or in an attempt to escape from such prison or jail, or public training school or reformatory, or custody, is punishable as provided in section one hundred and eight.

Assisting prisoners to escape.

SEC. 2. Section one hundred and ten of said code is hereby amended to read as follows:

110. Every person who carries or sends into a prison, jail, public training school, or reformatory, anything useful to aid a prisoner or inmate in making his escape, with intent thereby to facilitate the escape of any prisoner or inmate confined therein, is punishable as provided in section one hundred and eight.

Carrying into prison things useful to aid in escape.

## CHAPTER CDLXXXV.

*An act to amend sections one hundred and nineteen, one hundred and twenty-one, and one hundred and twenty-four of the Penal Code, and to add two new sections thereto to be numbered one hundred and eighteen a and one hundred and twenty-nine, all relating to perjury.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Perjury and subornation of perjury.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered one hundred and eighteen a, and to read as follows:

False affidavits as to affiant's testimony.

118a. Any person who, in any affidavit taken before any person authorized to administer oaths, swears, affirms, declares, deposes, or certifies that he will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case then pending or thereafter to be instituted, in any particular manner, or to any particular fact, and in such affidavit willfully and contrary to such oath states as true any material matter which he knows to be false, is guilty of perjury. In any prosecution under this section, the subsequent testimony of such person, in any action involving the matters in such affidavit contained, which is contrary to any of the matters in such affidavit contained, shall be prima facie evidence that the matters in such affidavit were false.

SEC. 2. Section one hundred and nineteen of said code is hereby amended to read as follows:

Oath defined.

119. The term "oath," as used in the last two sections, includes an affirmation and every other mode authorized by law of attesting the truth of that which is stated.

SEC. 3. Section one hundred and twenty-one of said code is hereby amended to read as follows:

Irregularity in administering oath.

121. It is no defense to a prosecution for perjury that the oath was administered or taken in an irregular manner, or that the person accused of perjury did not go before, or was not in the presence of, the officer purporting to administer the oath, if such accused caused or procured such officer to certify that the oath had been taken or administered.

SEC. 4. That section one hundred and twenty-four of said code is hereby amended to read as follows:

Deposition, when deemed to be complete.

124. The making of a deposition, affidavit or certificate is deemed to be complete, within the provisions of this chapter, from the time when it is delivered by the accused to any other person, with the intent that it be uttered or published as true.

SEC. 5. A new section is hereby added to said code to be numbered one hundred and twenty-nine and to read as follows:

129. Every person who, being required by law to make any return, statement, or report, under oath, willfully makes and delivers any such return, statement, or report, purporting to be under oath, knowing the same to be false in any particular, is guilty of perjury, whether such oath was in fact taken or not.

False return under oath, whether oath is taken or not.

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CHAPTER CDLXXXVI.

*An act to amend section one hundred and fifty-nine and a half of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and fifty-nine and a half of the Penal Code is hereby renumbered and amended to read as follows:

Offenses against public justice.

159a. Whoever advertises, prints, publishes, distributes, or circulates, or causes to be advertised, printed, published, distributed, or circulated, any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure or obtain, or to aid in procuring or obtaining, any divorce, or the severance, dissolution, or annulment of any marriage, or offering to engage or appear or act as attorney, counsel, or referee in any suit for alimony or divorce, or the severance, dissolution, or annulment of any marriage, either in this state or elsewhere, is guilty of a misdemeanor. This section does not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this state.

Advertising to procure divorce.

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CHAPTER CDLXXXVII.

*An act to add a new section to the Penal Code, to be numbered one hundred and sixty-one a, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be numbered one hundred and sixty-one a, and to read as follows:

Offenses against public justice.

161a. Any person, other than a regularly licensed attorney, who advertises or holds himself out as practicing or entitled to practice law in any court of record, is guilty of a misdemeanor.

Falsely advertising as an attorney.

## CHAPTER CDLXXXVIII.

*An act to amend section one hundred and sixty-five of the Penal Code, relating to bribery.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Offenses  
against  
public  
justice.

Bribing  
boards of  
supervis-  
ors, etc.

SECTION 1. Section one hundred and sixty-five of the Penal Code is hereby amended to read as follows:

165. Every person who gives or offers a bribe to any member of any common council, board of supervisors, or board of trustees of any county, city and county, city, or public corporation, with intent to corruptly influence such member in his action on any matter or subject pending before, or which is afterward to be considered by, the body of which he is a member, and every member of any of the bodies mentioned in this section who receives, or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter, upon which he may be required to act in his official capacity, is punishable by imprisonment in the state's prison not less than one nor more than fourteen years, and upon conviction thereof shall, in addition to said punishment, forfeit his office, be disfranchised and forever disqualified from holding any public office or trust.

## CHAPTER CDLXXXIX.

*An act to amend section one hundred and sixty-eight of the Penal Code, relating to disclosing the fact of an information or indictment having been made.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Offenses  
against  
public  
justice.

Disclosing  
fact of in-  
dictment  
having  
been  
found.

SECTION 1. Section one hundred and sixty-eight of the Penal Code is hereby amended to read as follows:

168. Every grand juror, district attorney, clerk, judge or other officer who, except by issuing or in executing a warrant of arrest, willfully discloses the fact of an information or indictment having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor.

CHAPTER CDXC.

An act to amend section one hundred and seventy-one of the Penal Code, and to add to said code three new sections to be numbered one hundred seventy-one a, one hundred and seventy-one b, and one hundred seventy-one c, and to repeal section one hundred and eighty a thereof, all relating to acts tending to create breaches of discipline in state prisons, jails, and reformatories, by persons not inmates thereof.

[Approved March 21, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and seventy-one of the Penal Code is hereby amended to read as follows:

Offenses against public justice.

171. Every person, not authorized by law, who, without the permission of the warden or other officer in charge of any state prison, jail, or reformatory in this state, communicates with any convict or person detained therein, or brings therein or takes therefrom any letter, writing, literature, or reading matter to or from any convict or person confined therein, is guilty of a misdemeanor.

Unauthorized communication with convict

SEC. 2. A new section is hereby added to said code, to be numbered one hundred and seventy-one a, and to read as follows:

171a. Any person, not authorized by law, who brings into any state prison, jail, or reformatory in this state, or within the grounds belonging or adjacent to any such institution, any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor of any kind whatever, or any firearms, weapons or explosives of any kind, is guilty of a felony.

Bringing certain drugs and firearms into or near prisons.

SEC. 3. A new section is hereby added to said code to be numbered one hundred and seventy-one b, and to read as follows:

171b. Every person who, having been previously convicted of a felony and confined in any state prison in this state, without the consent of the warden or other officer in charge of any state prison or reformatory in this state, comes upon the grounds of any such institution, or lands belonging or adjacent thereto, in the night-time, is guilty of a felony.

Ex-convicts coming upon or near prison grounds.

SEC. 4. A new section is hereby added to said code, to be numbered one hundred and seventy-one c, and to read as follows:

171c. Any tramp, vagrant, or person who is a known associate of thieves, who comes into any state reformatory in this state, or upon the grounds belonging or adjacent thereto, and communicates with any of the inmates of such institution, without the consent of the superintendent or other person having charge thereof, or who visits or communicates with any paroled pupil or inmate of such institution, with a

Tramp, vagrant, etc., coming into prison or upon grounds belonging thereto.

view to induce him to violate the conditions of his parole, or who induces such paroled pupil or inmate to leave the guardian under whom he has been placed by the superintendent or other head of such institution, is guilty of a misdemeanor.

Section  
180a re-  
pealed.

SEC. 5. Section one hundred and eighty a of said code is hereby repealed.

## CHAPTER CDXCI.

*An act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Offenses  
against  
public  
justice.

SECTION 1. Section one hundred and seventy-two of the Penal Code is hereby amended to read as follows:

Keeping  
intoxicat-  
ing liquors  
within or  
contiguous  
to state  
buildings.

172. Every person who, within two miles of the land belonging to this state upon which any state prison or reformatory is situated, or within one mile of the grounds belonging and adjacent to the University of California, or within one and one half miles of the lands occupied by any home, retreat, or asylum for disabled volunteer soldiers or sailors established or to be established by this state or by the United States within this state, or within the state capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor.

## CHAPTER CDXCII.

*An act to repeal sections one hundred and seventy-eight and one hundred and seventy-nine of the Penal Code, relating to the employment of Chinese or Mongolians.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions not to  
employ  
Chinese.  
Repealed.

SECTION 1. Section one hundred and seventy-eight of the Penal Code is hereby repealed.

SEC. 2. Section one hundred and seventy-nine of said code is hereby repealed.

## CHAPTER CDXCIII.

*An act to amend section two hundred and seven of the Penal Code, relating to kidnaping.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and seven of the Penal Code is hereby amended to read as follows:

207. Every person who forcibly steals, takes, or arrests Kidnaping defined. any person in this state, and carries him into another country, state, or county, or into another part of the same county, or who forcibly takes or arrests any person, with a design to take him out of this state, without having established a claim, according to the laws of the United States, or of this state, or who hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any person to go out of this state, or to be taken or removed therefrom, for the purpose and with the intent to sell such person into slavery or involuntary servitude, or otherwise to employ him for his own use, or to the use of another, without the free will and consent of such persuaded person; and every person who, being out of this state, abducts or takes by force or fraud any person contrary to the law of the place where such act is committed, and brings, sends, or conveys such person within the limits of this state, and is afterwards found within the limits thereof, is guilty of kidnaping.

## CHAPTER CDXCIV.

*An act to add a new section to the Penal Code, to be numbered two hundred and fourteen, relating to the going upon or doing any act in relation to any railroad train, car or engine, for the purpose of robbery thereon.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered two hundred and fourteen, and to read as follows:

214. Every person who goes upon or boards any railroad train, car or engine, with the intention of robbing any passenger or other person on such train, car or engine, of any personal property thereon in the possession or care or under Robbery; going upon railroad trains, or doing any act thereof, for the purpose of.

the control of any such passenger or other person, or who interferes in any manner with any switch, rail, sleeper, viaduct, culvert, embankment, structure or appliance pertaining to or connected with any railroad, or places any dynamite or other explosive substance or material upon or near the track of any railroad, or who sets fire to any railroad bridge or trestle, or who shows, masks, extinguishes or alters any light or other signal, or exhibits or compels any other person to exhibit any false light or signal, or who stops any such train, car or engine, or slackens the speed thereof, or who compels or attempts to compel any person in charge or control thereof to stop any such train, car or engine, or slacken the speed thereof, with the intention of robbing any passenger or other person on such train, car or engine, of any personal property thereon in the possession or charge or under the control of any such passenger or other person, is guilty of a felony.

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#### CHAPTER CDXCV.

*An act to amend section two hundred eighteen of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars or engines.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

**SECTION 1.** Section two hundred eighteen of the Penal Code is hereby amended to read as follows:

**218.** Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car or engine, or who unlawfully sets fire to any railroad bridge or trestle, over which any such train, car or engine must pass, with the intention of wrecking such train, car or engine, is guilty of a felony.

Attempts  
to kill.

Train-  
wrecking,  
intention  
of, punish-  
ment for.



CHAPTER CDXCVI.

*An act to add a new section to the Penal Code to be numbered two hundred nineteen, relating to the wrecking or derailment of railroad trains, cars or engines.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be numbered two hundred nineteen, and to read as follows: Attempts to kill

219. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car or engine and thus blows up or derails the same, or who unlawfully sets fire to any railroad bridge or trestle over which any such train, car or engine must pass with the intention of wrecking such train, car or engine, and thus wrecks the same, is guilty of a felony and punishable with death or imprisonment in the state prison for life at the option of the jury trying the case. Railroad trains, when wrecked; punishment

CHAPTER CDXCVII.

*An act to add seven new sections to the Penal Code to be numbered 266a, 266b, 266c, 266d, 266e, 266f and 266g, all relating to the prostituting of women.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Seven new sections are hereby added to the Penal Code, to be numbered and to read as follows: Crimes against the person and against public decency and good morals

266a. Every person who, within this state, takes any female person against her will and without her consent, or with her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, is punishable by imprisonment in the state prison not exceeding five years, and a fine not exceeding one thousand dollars. Taking female for purpose of prostitution.

266b. Every person who takes any female person unlawfully, and against her will, and by force, menace, or duress, compels her to live with him in an illicit relation, against her consent, or to so live with any other person, is punishable by imprisonment in the state prison not less than two nor more than four years. Taking a female by force, duress, etc., to live in an illicit relation.

Bringing  
or landing  
Chinese or  
Japanese  
women  
for the  
purpose  
of selling.

266c. Every person bringing to, or landing within this state, any female person born in the empire of China or the empire of Japan, or the islands adjacent thereto, with intent to place her in charge or custody of any other person, and against her will to compel her to reside with him, or for the purpose of selling her to any person whomsoever, is punishable by a fine of not less than one nor more than five thousand dollars, or by imprisonment in the county jail not less than six nor more than twelve months.

Placing  
female in  
custody for  
the purpose  
of co-  
habitation.

266d. Any person who receives any money or other valuable thing for or on account of his placing in custody any female for the purpose of causing her to cohabit with any male to whom she is not married, is guilty of a felony.

Paying for  
female for  
the purpose  
of prostitu-  
tion.

266e. Every person who purchases, or pays any money or other valuable thing for, any female person for the purpose of prostitution, or for the purpose of placing her, for immoral purposes, in any house or place against her will, is guilty of a felony.

Selling  
female for  
immoral  
purposes.

266f. Every person who sells any female person or receives any money or other valuable thing for or on account of his placing in custody, for immoral purposes, any female person, whether with or without her consent, is guilty of a felony.

Placing or  
permitting  
the placing  
of one's  
wife in  
house of  
prostitu-  
tion.

266g. Every man who, by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at or consents to, or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony and punishable by imprisonment in the state prison for not less than three nor more than ten years; and in all prosecutions under this section a wife is a competent witness against her husband.

## CHAPTER CDXCVIII.

*An act to add two new sections to the Penal Code to be numbered two hundred and sixty-nine a and two hundred and sixty-nine b, relating to open and notorious fornication and adultery.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Crimes  
against the  
person and  
against  
public  
decency  
and good  
morals.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered two hundred and sixty-nine a, and to read as follows:

269a. Every person who lives in a state of open and notorious cohabitation and adultery is guilty of a misdemeanor, and punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both.

Open and notorious fornication and adultery.

SEC. 2. A new section is hereby added to said code to be numbered two hundred and sixty-nine *b*, and to read as follows:

269b. If two persons, each being married to another, live together in a state of open and notorious cohabitation and adultery, each is guilty of a felony, and punishable by imprisonment in the state prison not exceeding five years. A recorded certificate of marriage or a certified copy thereof, there being no decree of divorce, proves the marriage of a person for the purposes of this section.

Open and notorious adultery of married persons.

Proof.

#### CHAPTER CDXCIX.

*An act to amend section three hundred and two of the Penal Code, relating to disturbing religious meetings.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and two of the Penal Code is hereby amended to read as follows:

Crimes against religion, etc.

302. Every person who willfully disturbs or disquiets any assemblage of people met for religious worship, by profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor.

Disturbing religious meetings.

#### CHAPTER D.

*An act to repeal section three hundred and three of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and three of the Penal Code is hereby repealed.

Sale of liquor at theaters, etc., repealed.

## CHAPTER DI.

*An act to repeal section three hundred and six of the Penal Code, relating to the exhibiting of females in public places.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Exhibiting  
females in  
public  
places;  
repealed.

SECTION 1. Section three hundred and six of the Penal Code is hereby repealed.

## CHAPTER DII.

*An act to repeal section three hundred and ten and a half, relating to the keeping open and conducting of barber shops, hair dressing establishments and bath houses on Sundays and legal holidays.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Keeping  
barber  
shops, etc.,  
open on  
Sundays;  
repealed.

SECTION 1. Section three hundred and ten and a half of the Penal Code is hereby repealed.

## CHAPTER DIII.

*An act to amend and renumber section six hundred and fifty-four, as approved March 30, 1874, of the Penal Code, relating to the abuse of teachers of the public schools.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Miscellane-  
ous  
offenses.

SECTION 1. Section six hundred and fifty-four of the Penal Code, approved March 30, 1874, is hereby renumbered and amended to read as follows:

Abuse of  
school  
teachers.

653b. Every parent, guardian, or other person who upbraids, insults, or abuses any teacher of the public schools, in the presence or hearing of a pupil thereof, is guilty of a misdemeanor.

## CHAPTER DIV.

*An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the attorney-general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro-rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby created a bureau, to be known and designated as the "Bureau of Building and Loan Supervision," with powers of supervision, examination and license of all building and loan associations, mutual loan associations, co-operative home associations, and all other corporations, associations and societies, whenever, wherever and however formed, which, in the judgment of the administration of said bureau, are based, or are operating on plans or methods similar to building and loan associations as defined in section 648 of the Civil Code; it is also charged with the enforcement of all laws designed for the formation, government or operation, in this state, of any such association, corporation or society.

Bureau of building and loan supervision, powers of.

Building and loan associations defined.

SEC. 2. The administration of said bureau shall be vested in two commissioners, to be known and designated as the "Building and Loan Commissioners," who shall be appointed by the governor (except as herein provided) and commissioned to hold office for the term of four years and until their successors shall be appointed and have qualified. They must be citizens of this state and residents of different counties; and they must not be in any way connected with any association, corporation or society coming under their

Commissioners, number of.

Appointment.

Qualifications.

Secretary. supervision. They shall be authorized and empowered to appoint a secretary, with powers of examination the same as their own, who must be a practical, skilled accountant, fully conversant with building and loan accounts.

Salaries of commissioners and secretary. SEC. 3. The commissioners shall each receive a salary of twenty-four hundred dollars per annum, and their secretary shall receive a salary of not exceeding eighteen hundred dollars per annum. There shall also be allowed and paid the

Traveling expenses. necessary traveling expenses of the commissioners and their secretary, not to exceed the sum of eight hundred dollars per annum. The commissioners shall procure and have an

Office in San Francisco. office in the city of San Francisco, for which there shall be allowed and paid a rental of not exceeding fifty dollars per month, and such office shall be kept open for business, every business day, during such hours as are commonly observed by the banks of that city as banking hours; they may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office, at a cost not to exceed, in the aggregate, the sum of five hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.

Salaries and expenses, how paid.

Oath of office and bond of commissioners and secretary. SEC. 4. Before entering upon their respective duties the commissioners must each execute an official bond in the sum of five thousand dollars and the secretary a like bond in the sum of two thousand dollars, and each must take the oath of office as prescribed by the Political Code for state officers in general.

Commissioners to issue licenses. SEC. 5. It shall be the duty of the commissioners to furnish to all associations, corporations or societies, which, in their judgment, legally come under their jurisdiction, and that have otherwise complied with the requirements of law, a license authorizing them to transact business for one year from the date of said license; to receive and place on file in their office the annual or other reports required by law to be made by building and loan associations or other corporations or societies licensed by them; to supply each with blank forms for such statements; and to make, on or before the first day of October in each year, a tabulated report to the governor of this state, showing the condition of all such associations, corporations or societies reporting to them, with such recommendation as they may deem proper, accompanied by a detailed statement of all moneys received by them since their last report, and the disposition thereof.

Annual report to governor.

Commissioners to annually examine affairs of associations. SEC. 6. It shall be the duty of one or both of the commissioners, in person, at least once in each year, without previous notice, to visit and examine into the affairs of every such association, corporation or society licensed by them, incorporated or doing business in this state; on such occasions they shall have free access to all the books, records, securities and papers of every such association, corporation or society and shall first count the cash and check the bank

balance of such corporation or association with the proper amount of funds as shown by the books to be on hand and at the date and hour of such examination, and shall then examine and verify the books, accounts, and securities, and, so far as possible and consistent, the values of all property owned or held as collateral security for moneys loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency thereof. They and their secretary shall have power to administer oaths in the line of duty, and to examine under oath the officers, employés and agents, or the custodian or receiver, relative to any or all the business thereof. The commissioners or their secretary or representative shall receive for any examination into the books and affairs of any such association, corporation or society formed outside of the State of California and applying for a license to do business in this state, their reasonable expenses, which shall be paid by the association, corporation or society so examined; *provided*, that they may accept the result of any such examination made by the duly constituted authorities of any state having similar laws of supervision.

Power to administer oaths.

Expenses incurred in examining, how paid.

SEC. 7. To facilitate the examinations specified in the foregoing section, they shall require every such association, corporation or society to keep its books in such form as to accurately show its assets and liabilities in detail and to keep records written in ink, showing the appraised and assessed values of the real estate security held in connection with each loan, and signed in each case by the appraiser, officer or committee charged with making such estimated valuations. The commissioners shall make a revaluation of the real estate owned, and of the other securities of any such association, corporation or society licensed by them; on which the loan payments may be delinquent for six months or more, and may, for that purpose, appoint local appraisers, who shall be disinterested persons, at the expense of such association, corporation or society; the expense of such appraisement to be fixed by the commissioners, but not to exceed the sum of five dollars for property located outside of any incorporated limits and three dollars for property located inside of any incorporated limits for each property so examined and appraised. Each appraiser so appointed shall be required to make a sworn report to the commissioners of his estimated valuations of all property so examined and appraised.

Books of association, how kept.

Valuation of property by commissioners.

Appointment of appraisers.

Sworn report to commissioners.

SEC. 8. The commissioners shall have power to issue subpoenas and require attendance of any or all trustees, or agents of any such association, corporation or society, and such other witnesses as they may deem necessary, in relation to its affairs, transactions and condition, and any such person so served with such subpoena may upon application of the commissioner be required by order of the superior court of the county where the corporation, association or society has its principal place of business, to appear and answer such

Commissioners power to issue subpoenas.

pertinent questions as may be put to him by such commissioner and be required to produce such books, papers or documents in his possession as may be required by such commissioner.

Associations conducting its business in an unsafe or unauthorized manner, power and duty of commissioners.

SEC. 9. If the commissioners, upon any examination, or from any report made to them or to the shareholders, shall find that any association, corporation or society licensed by them, is violating the provisions of its charter or of the laws of this state provided for its government, or is conducting its business in an unsafe or unauthorized manner, they may, by an order addressed to the association, corporation or society so offending, direct a discontinuance of such violations or unsafe practices and a conformity with all the requirements of law; and if such association, corporation or society shall refuse or neglect to comply with such order within the time specified therein; or if it shall appear to the commissioners, in their opinion, that any such association, corporation or society is in an unsafe condition, or is conducting its business in an unsafe manner, such as to render its further proceeding hazardous to the public or to those having funds in its custody, they shall notify the attorney-general of such facts and furnish him with a statement showing its condition, as the same may have been found to exist; at the same time they shall notify the officers of such association, corporation or society of the fact of such report having been made and direct them to cease the transaction of any new business, and to hold all moneys, securities and property intact, pending the action of the attorney-general on such report. The attorney-general shall thereupon apply to the superior court, of the county in which such association, corporation or society has its principal place of business, to issue an injunction restraining it, in whole or in part, from further proceeding with its business until a hearing can be had. Such court may, in such application, issue such injunction, and after a full hearing, may dissolve or modify it, or make it perpetual, and may make such orders and decrees according to the course of proceedings in equity, to restrain or prohibit the further prosecution of business by such association, corporation or society, as may be needful in the premises; and may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court; or it may, by its decree, order and direct that, in lieu of the appointment of a receiver, the business and affairs be liquidated by a board of trustees equal in number to the board of directors, to be elected by the shareholders, at a meeting thereof, to be called for such purpose and held within two weeks from and after the first Monday succeeding the date of such order and decree; such meeting to be called and held on the order of the commissioners, one of whom shall be present and preside until such election shall be had; whereupon he shall report the result to the proper court, and thereupon the

Duty of attorney-general.

Court may issue injunction.

Court may appoint receivers.

Court may direct that business shall be liquidated.

Election of trustees for the purpose of liquidation.



term of office of the existing board of directors and of all the officers shall cease and determine. Such board of trustees, when so elected, shall at once assume office and have possession and control of all the property and assets for the purpose of liquidation; and such liquidation shall be conducted by such board under the supervision of the commissioners, who shall have full power to limit the time within which it shall be accomplished, and to limit the number of employés and the salaries and expenses that shall be allowed and paid. The issuance of an injunction, in the manner herein provided, shall operate to dissolve or stay any and all attachments or executions initiated or levied within thirty days next preceding the date of notification of the attorney-general by the commissioners; and, pending the process of liquidation as ordered by the court, no attachment or execution shall be levied, nor lien created, upon any of the property of such association, corporation or society.

Duty of such trustees.

Injunction shall operate to dissolve or stay attachments or executions.

SEC. 10. Whenever a receiver or receivers are appointed, or trustees elected in lieu thereof, the commissioners shall require the president and secretary of such association, corporation or society to, and such officers shall, make a schedule of all its property and make oath that such schedule sets forth all the property which such association, corporation or society owns or is entitled to, and deliver said schedule and possession of the property to the receivers or to the trustees, and a copy of such schedule to the commissioners, who may at any time examine under oath such president and secretary, or other officers, to determine whether or not all the property which such association, corporation or society owns, or is entitled to, has been transferred to such receivers or trustees.

Schedule of property to be furnished receivers or trustees.

SEC. 11. The commissioners shall, at least once in each year and as much oftener as they may deem expedient, examine the accounts and doings of receivers or trustees, and shall carefully examine and report on all accounts and reports made to the proper court, and, for the purposes of this section, shall have full and free access to all the books, accounts and vouchers relating to any such liquidation.

Commissioners to examine accounts of receivers or trustees.

SEC. 12. Upon the certificate, under oath, of any ten or more officers, trustees, creditors, shareholders or depositors of any such association, corporation or society, setting forth their interest and the reason for the making of such examination, directed to the commissioners, and requesting them so to do, they shall forthwith make a full investigation of its affairs, in the manner provided.

Commissioners to make investigation of affairs of association upon request.

SEC. 13. If either of the commissioners, having knowledge of the insolvent condition, or of any violation of law or unsafe practice of any such association, corporation or society under their supervision, such as renders, in their opinion, the conduct of its business hazardous to its shareholders, creditors or depositors, shall fail to take the proper action required by this act, or shall refuse or neglect to perform

Neglect of duty of commissioners a cause for removal.

the official duties pertaining to his office, then upon conviction thereof the office of such commissioner shall be declared vacant by the governor, and a successor be appointed to fill the unexpired term.

Assessment upon associations to pay salaries and expenses of commissioners.

SEC. 14. To meet the salaries and expenses provided for by this act, the commissioners shall require every association, corporation or society licensed by them or coming under their supervision to pay in advance, to them, and prior to the issuance of any license, its pro rata amount of all such salaries and expenses, and it is hereby made the duty of every such association, corporation or society to pay the same; such pro rata shall be fixed and determined by the proportion which its assets bear to the aggregate assets of all such associations, corporations, or societies, receiving licenses, as shown by the last reports of such corporations, associations, or societies to the commissioners. On or before the thirtieth day of December, in each year, the commissioners shall notify each of such associations, corporations or societies, through the United States mail, of the amount assessed and levied against it and that the same must be paid within twenty days thereafter; and should payment not be made to them within said twenty days, they shall then assess and collect a penalty, in addition thereto, of ten per cent per day for each day that such payment may be delayed or withheld; *provided, however*, that in the levy and collection of such assessment, no such association, corporation or society shall be assessed for, nor be permitted to pay less than ten dollars per annum, and any such association hereafter formed in this state, shall be required to pay not less than one dollar per month for the unexpired term ending December thirty-first, succeeding application; and in like manner any such association organized outside this state shall be required to pay not less than three dollars per month, for such unexpired term, for its first license.

Authority to transact business obtained from commissioners.

SEC. 15. It shall be the duty of the commissioners to require every such association, corporation or society coming under their supervision, to procure from them, prior to the transaction of any business, a certificate of authority or license to transact business in this state; and it is hereby made the duty of every such association, corporation or society to comply with such requirement. To procure such license, there must be filed with and approved by the commissioners, a certified copy of its articles of incorporation, constitution and by-laws and all subsequent amendments thereto, accompanied by the license fee herein provided for; and after the expiration of the term for which a license may have been granted to it, no such association, corporation or society shall be permitted to continue to transact business without first procuring a renewal of such license on the terms provided in this act, and any such association, corporation or society violating the provisions hereof shall be subject to a penalty of ten per cent per day of the amount of the

Certified copy of articles of incorporation filed with commissioners.

Renewal of license.

license fee required to be paid under section fifteen of this act, in addition thereto, for each day during the continuance of such offense. The commissioners are authorized and empowered to revoke the license of any such association, corporation or society under their supervision, the solvency whereof may have become imperiled by losses or irregularities; and immediately upon the revoking of any such license they shall report the facts to the attorney-general, who shall thereupon take such proceedings as are provided in section nine of this act.

Revoca-  
tion of  
license.

SEC. 16. The commissioners shall require every association, corporation or society licensed by them, and including associations in liquidation, within thirty days after the close of its annual fiscal term to make a report to them in writing, verified by the oath of its president and secretary, showing accurately its financial condition at the close of such term; such report shall also include all the receipts and disbursements and income and expenses for the term, together with such statistical and other information as may be deemed essential; all and every of such reports shall be in such form as the commissioners may prescribe, and upon blanks to be by them furnished therefor. Every such association, corporation or society is hereby required to make and file all such reports within the time specified herein, and for failure or neglect so to do shall be subject to a penalty of ten dollars per day for each and every day the same shall be delayed or withheld.

Associa-  
tions to  
annually  
report  
financial  
condition  
to commis-  
sioners.

SEC. 17. The collection of all moneys assessed, as herein provided, for the payment of salaries and annual expenses, or forfeitable as fines for failure to make payments of assessments, procure licenses, or make and file reports as herein specified, and due from any such association, corporation or society coming within the provisions of this act, or imposed as a penalty for violation of any order or summons, may be enforced by the commissioners, by action instituted in any court of competent jurisdiction; and all moneys collected or received by the commissioners under this act, shall be deposited with the state treasurer, to be credited to a fund to be known and designated as the "Building and Loan Inspection Fund"; which said fund shall only be used in defraying the salaries and expenses provided for by this act.

Payment  
of assess-  
ments  
enforced  
by action.

Money  
collected,  
where  
deposited.

SEC. 18. This act shall not be construed as affecting the terms of office of the commissioners appointed under and by virtue of an act entitled "An act creating a board of commissioners of the building and loan associations and prescribing their duties and powers," approved March twenty-third, eighteen hundred and ninety-three, and acts amendatory thereof, and such commissioners are hereby created the building and loan commissioners for the unexpired terms for which they were appointed, and they and their secretary are hereby vested with all the powers and duties, and are entitled to all the emoluments herein provided for; and they

Not to af-  
fect term  
of present  
commis-  
sioners.

and their successors in office, as the building and loan commissioners herein provided for, shall succeed to all the rights, privileges and benefits, and to the control and possession of all records, property and funds in the possession of or enjoyed by the board of commissioners of the building and loan associations appointed under and by virtue of said act of March twenty-third, eighteen hundred and ninety-three.

Repeal of  
conflict-  
ing acts.

SEC. 19. All acts and parts of acts, including an act entitled "An act creating a board of commissioners of the building and loan associations and prescribing their duties and powers," approved March twenty-third, eighteen hundred and ninety-three, and all acts amendatory thereof, are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

#### CHAPTER DV.

*An act to add two new sections to the Penal Code, to be numbered six hundred and fifty-three c and six hundred and fifty-three d, both relating to crimes against employés.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 653c, and to read as follows:

Miscellaneous  
offenses.

Unlawful  
for state  
officer,  
agent of  
the state,  
contractor,  
or sub-  
contractor,  
to permit  
workmen  
upon pub-  
lic works  
to work  
more than  
eight  
hours per  
day.

653c. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said state, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision thereof, or for any contractor or sub-contractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war. Any officer or agent of the State of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as

Except.

Contract  
to contain  
certain  
stipula-  
tion.

a penalty, to the state or political subdivision in whose behalf the contract is made and awarded, ten dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any sub-contractor under him, upon any of the public works, or upon any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, who shall violate any of the provisions of this section, shall be deemed guilty of misdemeanor, and shall upon conviction be punished by fine not exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty for violation of stipulation.

Collection of money forfeited in violation of stipulation.

Penalty for violation of this act by state officer or agent.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered 653*d*, and to read as follows:

653*d*. Every person who employs laborers upon public works, and who takes, keeps, or receives for his own use any part or portion of the wages due to any such laborers from the state or municipal corporation for which such work is done, is guilty of a felony.

Retaining wages of employé.

## CHAPTER DVI.

*An act to amend section six hundred and sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and sixty-six of the Penal Code of the State of California is hereby amended to read as follows:

General provisions regarding crimes.

666. Every person who, having been convicted of petit larceny, or of any offense punishable by imprisonment in the state prison, commits any crime after such conviction, is punishable therefor as follows:

Second offense, how punished after conviction of former offense.

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the state prison for any

term exceeding five years, such person is punishable by imprisonment in the state prison not less than ten years.

2. If the subsequent offense is such that upon a first conviction, the offender would be punishable by imprisonment in the state prison for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding ten years.

3. If the subsequent conviction is for petit larceny, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding five years.

## CHAPTER DVII.

*An act to amend section three hundred and fifteen of the Penal Code, relating to houses of ill-fame.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and fifteen of the Penal Code is hereby amended to read as follows:

315. Every person who keeps a house of ill-fame in this state, resorted to for the purposes of prostitution or lewdness, or who willfully resides in such house, is guilty of a misdemeanor; and in all prosecutions for keeping or resorting to such a house common repute may be received as competent evidence of the character of the house, the purpose for which it is kept or used, and the character of the women inhabiting or resorting to it.

Keeping or  
residing in  
house of  
ill-fame.

Proof.

## CHAPTER DVIII.

*An act to amend section three hundred and forty-three of the Penal Code, relating to pawnbrokers.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and forty-three of the Penal Code is hereby amended to read as follows:

343. Every pawnbroker who fails, refuses, or neglects to produce for inspection his register, or to exhibit all articles received by him in pledge, or his account of sales, to any officer holding a warrant authorizing him to search for personal property, or the order of a committing magistrate directing such officer to inspect such register, or examine such articles or account of sales, or appointed by the sheriff of the county or the head of the police department of any city, city and county, or town to inspect such register, or examine such articles or account of sales, is guilty of a misdemeanor.

Pawn-  
brokers.

Refusing  
to allow in-  
spection of  
register of  
pledged  
articles.

CHAPTER DIX.

*An act to add a new section to the Penal Code, to be numbered three hundred and forty-nine a, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred and forty-nine a, and to read as follows: Injuries to persons.

349a. Any person engaged in the production, manufacture, or sale of any article of merchandise made in whole or in part in this state, who, by any imprint, label, trademark, tag, stamp, or other inscription or device, placed or impressed upon such article, or upon the cask, box, case, or package containing the same, misrepresents or falsely states the kind, character, or nature of the labor employed or used, or the extent of the labor employed or used, or the number or kind of persons exclusively employed or used, or that a particular or distinctive class or character of laborers was wholly and exclusively used or employed, when, in fact, another class, or character, or distinction of laborers was used or employed, either jointly or in anywise supplementary to such exclusive class, character, or distinction of laborers, in the production or manufacture of the article to which such imprint, label, trademark, tag, stamp, or other inscription or device is affixed, or upon the cask, box, case, or package containing the same, is guilty of a misdemeanor, and punishable by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than twenty nor more than ninety days, or both. Frauds in stamping and labeling produce and manufactured goods.

CHAPTER DX.

*An act to amend section three hundred and sixty of the Penal Code, relating to marriages.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and sixty of the Penal Code is hereby amended to read as follows: Marriages.

360. Every person authorized to solemnize any marriage, who solemnizes such marriage without first being presented with the marriage license, as required by section seventy-two of the Civil Code of this state, or who willfully makes a false return of any marriage or pretended marriage Performing marriage ceremony before license is presented.

Failure to record license and marriage certificate.

False record of marriage return.

to the recorder; or who, having solemnized a marriage, fails for more than thirty days, to file with such recorder the marriage license with the certificate indorsed thereon, as required by sections seventy-three and seventy-four of the Civil Code of this state; and every person who willfully makes a false record of any marriage return, is punishable as provided in the preceding section.

## CHAPTER DXI.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April first, one thousand eight hundred ninety-seven, as amended March twenty-third, one thousand nine hundred and one, by amending section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section one hundred seventy-one of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred ninety-seven, as amended March twenty-third, one thousand nine hundred and one, is hereby amended to read as follows:

Salaries of officers of Mendocino county (14th class).

Section 171. In counties of the fourteenth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and fees, to wit:

County clerk.

1. The county clerk, two thousand seven hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid, the sum of five cents for the name of each defendant entered in the index labeled "General Index—Defendants" as provided in subdivision four of section four thousand two hundred four of the Political Code and in subdivision four of section one hundred seven of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred ninety-seven, as amended March twenty-third, one thousand nine hundred one; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the



provisions of section one thousand one hundred fifteen of the Political Code of the State of California.

2. The sheriff, four thousand dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage for service of any papers issued by any court outside of his county. Sheriff.

3. The recorder, two thousand one hundred dollars per annum. Recorder.

4. The auditor two thousand two hundred dollars per annum. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum. Treasurer.

6. The tax collector and license collector two thousand two hundred dollars per annum. Tax collector.

7. The assessor three thousand dollars per annum. Assessor.

8. The district attorney two thousand seven hundred dollars per annum, and his traveling, office and other expenses in criminal matters and cases, and in civil actions, proceedings and all other matters in which the county is interested incurred by him in the performance of his duties; and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and all other matters in which the county is interested. District attorney.

9. The coroner such fees as are now or may be hereafter allowed by law. Coroner; fees.

10. The public administrator such fees as are now or may be hereafter allowed by law. Public administrator; fees.

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor; fees.

13. The justices of the peace such fees as are now or may be hereafter allowed by law. Justices of the peace; fees.

14. Each member of the board of supervisors, six hundred dollars per annum and ten cents per mile mileage in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided* he shall not in any one year receive more than six hundred dollars as such road commissioner. Supervisors.

15. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto they shall receive three dollars per day for attending court when required to do so during the actual trial of the issues of fact of a case, or during the examination of a criminal charge before a magistrate while the evidence is being taken and not otherwise; *provided* that no more than three dollars shall be charged or received for any one day, *and provided further* that when the constable is required to attend upon the trial of more than one civil case on the same day his fees for attendance shall be equally apportioned to the several cases. Constables may also, by first obtaining an order of the district attorney of this county, or Constables.

of a superior judge of this state, employ a temporary guard for the safe-keeping or protection of prisoners when necessary, and shall be entitled to collect the actual, reasonable cost thereof as a county charge.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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## CHAPTER DXII.

*An act to add a new section to the Penal Code, to be numbered three hundred and sixty-nine b, relating to the transporting of cattle, sheep or swine upon railroad trains.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred and sixty-nine b, and to read as follows:

Railroad companies transporting cattle, etc., confined in cars longer than a certain time without unloading and feeding.

Charges a lien upon animals.

369b. Any officer, agent or conductor of any company or person operating any railroad in this state, who in carrying and transporting cattle, sheep, or swine in carload lots, confines the same in cars for a longer period than thirty-six consecutive hours, without unloading for rest, water and feeding, for a period of at least ten consecutive hours, is guilty of a misdemeanor. In estimating such time of confinement, the period during which the animals have been confined without such rest on connecting roads from which they are received, must be computed. In case the owner or person in charge of such animals refuses or neglects to pay for the care and feed of animals so rested, the company or person operating such railroad may charge the expense thereof to the owner or consignee and retain a lien upon the animals therefor until the same is paid.

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## CHAPTER DXIII.

*An act to add a new section to the Penal Code, to be numbered three hundred and eighty-four c, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred and eighty-four c, and to read as follows:

384c. Every person who willfully and negligently, while hunting upon the inclosed lands of another, kills, maims, or wounds an animal, the property of another, is guilty of a misdemeanor.

Animals injured by persons hunting.

#### CHAPTER DXIV.

*An act to add a new section to the Penal Code, to be numbered three hundred and ninety-seven b, relating to the sale, giving or delivering of intoxicating liquors to minor children and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred and ninety-seven b, and to read as follows:

397b. Every person who sells, gives or delivers to any minor child, male or female, under the age of eighteen years, any intoxicating drink in any quantity whatsoever, or who, as proprietor or manager of any saloon or public house where intoxicating liquors are sold, permits any such minor child under the age of eighteen years, to visit said saloon or public house where intoxicating liquors are sold, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period not exceeding one hundred and fifty days, or by both such fine and imprisonment; *provided*, that this section shall not apply to the parents of such children, or to guardians of their wards.

Liquors, selling of to minors.

Permitting minor to visit saloons.

Not to apply to parents.

#### CHAPTER DXV.

*An act to amend sections four hundred and seventy, four hundred and seventy-four, four hundred and eighty-one, and four hundred and eighty-two of the Penal Code, relating to forgeries and counterfeiting.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and seventy of the Penal Code is hereby amended to read as follows:

470. Every person who, with intent to defraud, signs the name of another person, or of a fictitious person, knowing that he has no authority so to do, to, or falsely makes, alters,

Forgery and counterfeiting.

Forgery of wills, conveyances, etc.

forgeries, or counterfeits, any charter, letters-patent, deed, lease, indenture, writing obligatory, will, testament, codicil, bond, covenant, bank bill or note, postnote, check, draft, bill of exchange, contract, promissory note, due-bill for the payment of money or property, receipt for money or property, passage ticket, power of attorney, or any certificate of any share, right, or interest in the stock of any corporation or association, or any controller's warrant for the payment of money at the treasury, county order or warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, or acquittance, release, or receipt for money or goods, or any acquittance, release, or discharge of any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, certificate of shares of stock, goods, chattels, or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer certificates of shares of stock or annuities, or to let, lease, dispose of, alien, or convey any goods, chattels, lands, or tenements, or other estate, real or personal, or any acceptance or indorsement of any bill of exchange, promissory note, draft, order, or any assignment of any bond, writing obligatory, promissory note, or other contract for money or other property: or counterfeits or forges the seal or handwriting of another: or utters, publishes, passes, or attempts to pass, as true and genuine, any of the above named false, altered, forged, or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged, or counterfeited, with intent to prejudice, damage, or defraud any person: or who, with intent to defraud, alters, corrupts, or falsifies any record of any will, codicil, conveyance, or other instrument, the record of which is by law evidence, or any record of any judgment of a court or the return of any officer to any process of any court, is guilty of forgery.

SEC. 2. Section four hundred and seventy-four of said code is hereby amended to read as follows:

Forging  
telegraph  
or tele-  
phone  
messages.

474. Every person who knowingly and willfully sends by telegraph or telephone to any person a false or forged message, purporting to be from a telegraph or telephone office, or from any other person, or who willfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph or telephone, or who furnishes, or conspires to furnish, or causes to be furnished to any agent, operator, or employé, to be sent by telegraph or telephone, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 3. Section four hundred and eighty-one of said code is hereby amended to read as follows:

481. Every person who counterfeits, forges, or alters any ticket, check, order, coupon, receipt for fare, or pass, issued by any railroad or steamship company, or by any lessee or manager thereof, designed to entitle the holder to ride in the cars or vessels of such company, or who utters, publishes, or puts into circulation, any such counterfeit or altered ticket, check, or order, coupon, receipt for fare, or pass, with intent to defraud any such railroad or steamship company, or any lessee thereof, or any other person, is punishable by imprisonment in the state prison, or in the county jail, not exceeding one year, or by fine not exceeding one thousand dollars, or by both such imprisonment and fine.

Counterfeiting railroad or steamship tickets.

SEC. 4. Section four hundred and eighty-two of said code is hereby amended to read as follows:

482. Every person who, for the purpose of restoring to its original appearance and nominal value in whole or in part, removes, conceals, fills up, or obliterates, the cuts, marks, punch-holes, or other evidence of cancellation, from any ticket, check, order, coupon, receipt for fare, or pass, issued by any railroad or steamship company, or any lessee or manager thereof, canceled in whole or in part, with intent to dispose of by sale or gift, or to circulate the same, or with intent to defraud the railroad or steamship company, or lessee thereof, or any other person, or who, with like intent to defraud, offers for sale, or in payment of fare on the railroad or vessel of the company, such ticket, check, order, coupon, or pass, knowing the same to have been so restored, in whole or in part, is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such imprisonment and fine.

Restoring canceled railroad or steamship tickets.

## CHAPTER DXVI.

*An act to add a new section to the Penal Code to be numbered four hundred and twenty, relating to obstructing persons from entering upon public lands of the United States.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code to be numbered four hundred and twenty, and to read as follows:

Crimes against public peace.

420. Every person who unlawfully prevents, hinders, or obstructs any person from peaceably entering upon or establishing a settlement or residence on any tract of public land of the United States within the State of California, subject to settlement or entry under any of the public land laws of the

Preventing person from entering upon public lands.

United States; or who unlawfully hinders, prevents, or obstructs free passage over or through the public lands of the United States within the State of California, for the purpose of entry, settlement, or residence, as aforesaid, is guilty of a misdemeanor.

## CHAPTER DXVII.

*An act to amend section 169 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

- |                                                    |                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County government.                                 | Section 169 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, is hereby amended to read as follows:                                                                                                                                                 |
| Salaries of officers of Solano county (12th class) | Section 169. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:                                                                                                                  |
| County clerk.                                      | 1. The county clerk, three thousand dollars per annum, and when a great register of voters is ordered he shall receive five hundred dollars additional, which shall be in full for all services rendered in registering voters and making the great register.                                                             |
| Sheriff.                                           | 2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county. |
| Jailer.                                            |                                                                                                                                                                                                                                                                                                                           |
| Recorder.                                          | 3. The recorder, twenty-two hundred and fifty dollars per annum.                                                                                                                                                                                                                                                          |
| Auditor.                                           | 4. The auditor, eighteen hundred dollars per annum.                                                                                                                                                                                                                                                                       |
| Treasurer.                                         | 5. The treasurer, eighteen hundred dollars per annum.                                                                                                                                                                                                                                                                     |
| Tax collector.                                     | 6. The tax collector, (fifteen hundred) three thousand dollars per annum.                                                                                                                                                                                                                                                 |
| Assessor.                                          | 7. The assessor, three thousand dollars per annum.                                                                                                                                                                                                                                                                        |
| District attorney.                                 | 8. The district attorney, two thousand dollars per annum.                                                                                                                                                                                                                                                                 |
| Coroner: fees.                                     | 9. The coroner, such fees as are now or may be hereafter allowed by law.                                                                                                                                                                                                                                                  |
| Public administrator: fees.                        | 10. The public administrator, five hundred dollars per annum.                                                                                                                                                                                                                                                             |
| Superintendent of schools.                         | 11. The superintendent of schools, fifteen hundred dollars per annum, and his actual traveling expenses while visiting schools.                                                                                                                                                                                           |
| Surveyor.                                          | 12. The surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties                                                                                                                                                                                                     |

as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as now or hereafter may be allowed by law for all services performed by him in civil actions.

Justices of  
the peace.

14. Constables, the following salaries which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this act the basis of calculation for fixing the compensation of the justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this act, said census may become the basis of calculation.

Constables.

Popula-  
tion of  
townships,  
how de-  
termined.

15. Each member of the board of supervisors, six hundred dollars for all services rendered and including mileage;

Supervis-  
ors.

*provided*, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses.

Official  
court  
reporter.

16. The official court reporter for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required seven cents per folio for original and four cents per folio for copies to be paid for when completed by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court when the judge orders the notes transcribed the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect each day in advance two dollars and fifty cents from each side to the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceeding, in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in the case.

Board of  
education.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

## CHAPTER DXVIII.

*An act to add a new section to the Penal Code, to be numbered five hundred and ninety-seven g, relating to offenses against public decency.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered five hundred and ninety-seven g, and to read as follows:

Keepers of  
stallions.  
etc.

597g. Every person who lets to mares or jennies any stallion or jack within the limits of any city, town, or village, or within four hundred yards thereof, except in an inclosure sufficient to obstruct the view of all the inhabitants within such limits, and every person in charge of any stallion, bull, boar, ram, or buck goat who turns out or permits such animal to be turned out or run at large in any county, is guilty of a misdemeanor and punishable by a fine of not less than five or more than twenty dollars, or by imprisonment in the county jail not less than thirty days or by both such fine and imprisonment.



## CHAPTER DXIX.

*An act to amend section five hundred and ninety-seven of the Penal Code, and to add eleven new sections thereto, to be numbered 597a, 597b, 597c, 597d, 597e, 597f, 599a, 599b, 599c, 599d, and 599e, all relating to cruelty to animals.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and ninety-seven of the Penal Code is hereby amended to read as follows: Malicious mischief.

597. Every person who maliciously kills, maims, or wounds an animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who cruelly drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor. Cruelty to animals, killing, maiming, torturing, overdriving, overloading, etc.

SEC. 2. Eleven new sections are hereby added to said code to be numbered and to read as follows:

597a. Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor; and whenever any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle and its contents, together with the horse or team attached to such vehicle, and deposit the same in some place of custody; and any necessary expense incurred for taking care of and keeping the same, is a lien thereon, to be paid before the same can be lawfully recovered; and if such expense, or any part thereof, remains unpaid, it may be recovered, by the person incurring the same, of the owner of such domestic animal, in an action therefor. Unnecessary torture, suffering or cruelty.

597b. Any person who causes any bull, bear, cock, dog, or other animal to fight for his amusement or for gain, or to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets, or is present at such fighting Fighting animals.

or worrying of such animal, as a spectator, is guilty of a misdemeanor.

Training for certain purpose, or being present.

597c. Whoever owns, possesses, keeps, or trains any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, or is present at any place, building, or tenement, where preparations are being made for an exhibition of the fighting of birds or animals, with the intent to be present at such exhibition, or is present at such exhibition, is guilty of a misdemeanor.

Arrests without warrants.

597d. Any sheriff, constable, police, or peace officer, or officer qualified as provided in section six hundred and seven f of the Civil Code, may enter any place, building, or tenement, where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and, without a warrant, arrest all persons there present.

Impounding without food or water.

597e. Any person who impounds, or causes to be impounded in any pound, any domestic animal, must supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. In case any domestic animal is at any time impounded, as aforesaid, and continues to be without necessary food and water for more than twelve consecutive hours, it is lawful for any person, from time to time, as may be deemed necessary, to enter into and upon any pound in which any such domestic animal is confined, and supply it with necessary food and water so long as it remains so confined. Such person is not liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and such animal is not exempt from levy and sale upon execution issued upon a judgment therefor.

Permitting animals to go without care.

597f. Every owner, driver, or possessor of any animal, who shall permit the same to be in any building, inclosure, lane, street, square, or lot, of any city, city and county, or township, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, or officer of the humane society, to take possession of the animal so abandoned or neglected and care for the same until it is redeemed by the owner or claimant, and the cost of caring for such animal shall be a lien on the same until the charges are paid. Every sick, disabled, infirm, or crippled animal which shall be abandoned in any city, city and county, or township, may, if after due search no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace officers, or an officer of said society, to cause the same to be killed on information of such abandonment. Such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and

Abandoned animals to be killed.

may provide suitable care for such animal until it is deemed to be in a suitable condition to be delivered to such owner, and any necessary expenses which may be incurred for taking care of and keeping the same shall be a lien thereon, to be paid before the same can be lawfully recovered.

599a. When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any provision of law relating to, or in any way affecting, dumb animals or birds, is being, or is about to be violated in any particular building or place, such magistrate must issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer, or officer of any incorporated association qualified as provided by law, authorizing him to enter and search such building or place, and to arrest any person there present violating, or attempting to violate, any law relating to, or in any way affecting, dumb animals or birds, and to bring such person before some court or magistrate of competent jurisdiction, within the city, city and county, or township within which such offense has been committed or attempted, to be dealt with according to law, and such attempt must be held to be a violation of section five hundred and ninety-seven.

Prosecutions.

599b. In this title the word "animal" includes every dumb creature; the words "torment," "torture," and "cruelty" include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" include corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to animals transported, owned, or employed by, or in the custody of, such corporation, must be held to be the act and knowledge of such corporation as well as such agent or employé.

Words defined.

599c. No part of this title shall be construed as interfering with any of the laws of this state known as the "game laws," or any laws for or against the destruction of certain birds, nor must this title be construed as interfering with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, or with properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

Not to interfere with game laws.

599d. Whoever shall cut the solid part of the tail of any horse in the operation known as "docking," or in any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting, is guilty of a misdemeanor.

Docking of tails.

599e. Every animal which is unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which

Animals to be killed when unfit for work.

it is usually employed, shall be by the owner or lawful possessor of the same, deprived of life within twelve hours after being notified by any peace officer, or officer of said society, to kill the same, and such owner, possessor, or person omitting or refusing to comply with the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and after such conviction the court or magistrate having jurisdiction of such offense shall order any peace officer, or officer of said society, to immediately kill such animal; *provided*, that this shall not apply to such owner keeping any old or diseased animal belonging to him on his own premises with proper care.

## CHAPTER DXX.

*An act to amend sections five hundred and twelve, five hundred and thirteen, and five hundred and fourteen of the Penal Code, all relating to embezzlement.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Embezzlement.

SECTION 1. Section five hundred and twelve of the Penal Code is hereby amended to read as follows:

Intent to restore property.

512. The fact that the accused intended to restore the property embezzled, is no ground of defense or mitigation of punishment, if it has not been restored before an information has been laid before a magistrate, or an indictment found by a grand jury, charging the commission of the offense.

SEC. 2. Section five hundred and thirteen of said code is hereby amended to read as follows:

Actual restoration a ground for mitigation of punishment.

513. Whenever, prior to an information laid before a magistrate, or an indictment found by a grand jury, charging the commission of embezzlement, the person accused voluntarily and actually restores or tenders restoration of the property alleged to have been embezzled, or any part thereof, such fact is not a ground of defense, but it authorizes the court to mitigate punishment, in its discretion.

SEC. 3. Section five hundred and fourteen of said code is hereby amended to read as follows:

Punishment.

514. Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled; and where the property embezzled is an evidence of debt or right of action, the sum due upon it or secured to be paid by it must be taken as its value; if the embezzlement or defalcation is of the public funds of the United States, or of this state, or of any county or municipality within this state, the offense is a felony, and is punishable by imprisonment in the state prison not less than one nor more than ten years; and the person so convicted is ineligible thereafter to any office of honor, trust, or profit in this state.

## CHAPTER DXXI.

*An act to amend section five hundred and ninety-one of the Penal Code, and to add a new section thereto, to be numbered five hundred and ninety-three a, both relating to malicious injuries.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and ninety-one of the Penal Code is hereby amended to read as follows:

Malicious injuries.

591. Every person who maliciously takes down, removes, injures, or obstructs any line of telegraph or telephone, or any other line used to conduct electricity, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wire thereof, is guilty of a misdemeanor.

Injuring telegraph or telephone lines.

SEC. 2. A new section is hereby added to said code to be numbered five hundred and ninety-three a and to read as follows:

593a. Every person who maliciously drives or places in any saw-log, shingle-bolt, or other wood, any iron, steel, or other substance sufficiently hard to injure saws, knowing that such saw-log, shingle-bolt, or other wood is intended to be manufactured into any kind of lumber, is guilty of a felony.

Driving nails, etc., in wood intended for manufacture of lumber.

## CHAPTER DXXII.

*An act to amend section five hundred and sixty-four of the Penal Code, relating to fraud in the management of corporations.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and sixty-four of the Penal Code is hereby amended to read as follows:

Corporations.

564. Every director, officer, or agent of any corporation or joint-stock association, who knowingly concurs in making, publishing, or posting either generally or privately to the stockholders or other persons, any written report, exhibit, or statement of its affairs or pecuniary condition, or book or notice containing any material statement which is false, or any untrue or willfully or fraudulently exaggerated report, prospectus, account, statement of operations, values, business, profits, expenditures, or prospects, or any other paper or

Officers of, publishing false reports, statements, etc.

document intended to produce or give, or having a tendency to produce or give, the shares of stock in such corporation a greater value or a less apparent or market value than they really possess, or refuses to make any book or post any notice required by law, in the manner required by law, is guilty of a felony.

### CHAPTER DXXIII.

*An act to amend section five hundred and twenty-nine, five hundred and thirty, five hundred and thirty-two, five hundred and thirty-seven and a half and five hundred and thirty-eight, as approved March 9, 1893, of the Penal Code, to renumber sections five hundred and thirty-seven and three quarters and five hundred and thirty-eight, as approved March eleventh, eighteen hundred and ninety three, thereof, to repeal sections five hundred and forty-three and a half and five hundred and thirty-seven, as approved March 9, eighteen hundred and ninety-three, thereof, and to add a new section thereto, to be numbered five hundred thirty-eight b, all relating to false personation and cheats.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

False personation and cheats.

Personating another in private or official capacity.

SECTION 1. Section five hundred and twenty-nine of the Penal Code is hereby amended to read as follows:

529. Every person who falsely personates another in either his private or official capacity, and in such assumed character, either:

1. Becomes bail or surety for any party in any proceeding whatever, before any court or officer authorized to take such bail or surety;

2. Verifies, publishes, acknowledges, or proves, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, or used as true; or,

3. Does any other act whereby, if done by the person falsely personated, he might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party personating, or to any other person;

Is punishable by imprisonment in the county jail not exceeding two years, or by fine not exceeding five thousand dollars.

SEC. 2. Section five hundred and thirty of said code is hereby amended to read as follows:

530. Every person who falsely personates another, in either his private or official capacity, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of the money or property so received.

Receiving money or property in a false character.

SEC. 3. Section five hundred and forty-three and a half of said code is hereby repealed.

SEC. 4. Section five hundred and thirty-two of said code is hereby amended to read as follows:

532. Every person who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor, or property, whether real or personal, or who causes or procures others to report falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets possession of money or property, or obtains the labor or service of another, is punishable in the same manner and to the same extent as for larceny of the money or property so obtained.

Obtaining money, property, or labor by false pretenses.

SEC. 5. Section five hundred and thirty-seven of said code, approved March ninth, A. D. eighteen hundred and ninety-three, is hereby repealed.

Removal of mortgaged property, repealed; see § 538.

SEC. 6. Section five hundred and thirty-seven and a half of said code is hereby numbered five hundred and thirty-seven *a*, and as so numbered is hereby amended to read as follows:

537*a*. Every person who by any false or fraudulent pretense obtains from any club, association, society, or company, organized for the purpose of improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd register, or any other register of any such club, association, society, or company, or a transfer of any such registration, and any person who, for a valuable consideration, gives a false pedigree of any animal, with intent to mislead, is guilty of a misdemeanor.

Fraudulent registration of cattle.

SEC. 7. Section five hundred and thirty-seven and three quarters of said code is hereby renumbered five hundred and thirty-seven *b*, and as thus renumbered is to read as follows:

537*b*. Any person who obtains any livery hire or other accommodation at any livery or feed stable, kept for profit, in this state, without paying therefor, with intent to defraud the proprietor or manager thereof; or who obtains credit at any such livery or feed stable by the use of any false pretense; or who after obtaining a horse, vehicle, or other property at such livery or feed stable, willfully or maliciously abuses the same by beating, goading, overdriving or other willful or malicious conduct, or who after obtaining such horse, vehicle, or other property, shall, with intent to defraud

Defrauding owners of livery stables.

the owner, manager or proprietor of such livery or feed stable, keep the same for a longer period, or take the same to a greater distance than contracted for; or allow a feed bill or other charges to accumulate against such property, without paying therefor; or abandon or leave the same, is guilty of a misdemeanor.

SEC. 8. Section five hundred and thirty-eight of said code, as approved March 9, 1903, is hereby amended to read as follows:

Removing mortgaged personal property.

538. Every person who, after mortgaging any of the property mentioned in section two thousand nine hundred and fifty-five of the Civil Code, excepting locomotives, engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, during the existence of such mortgage, with intent to defraud the mortgagee, his representatives or assigns, takes, drives, carries away, or otherwise removes or permits the taking, driving, or carrying away, or other removal of the mortgaged property, or any part thereof, from the county where it was situate when mortgaged, without the written consent of the mortgagee, or who sells, transfers, or in any manner further incumbers the said mortgaged property, or any part thereof, or causes the same to be sold, transferred, or further incumbered, is guilty of larceny, and is punishable accordingly; unless at or before the time of making such sale, transfer, or incumbrance, such mortgagor informs the person to whom such sale, transfer, or incumbrance is made, of the existence of the prior mortgage, and also informs the prior mortgagee of the intended sale, transfer, or incumbrance, in writing, by giving the name and place of residence of the party to whom the sale, transfer, or incumbrance is to be made.

Further incumbrance or sale.

SEC. 9. Section five hundred and thirty-eight of said code, as approved March eleventh, eighteen hundred and ninety-three, is hereby renumbered five hundred and thirty-eight *a*, and as thus renumbered is to read as follows:

Misrepresentation of newspaper circulation.

538*a*. Every proprietor or publisher of any newspaper or periodical who shall willfully and knowingly misrepresent the circulation of such newspaper or periodical, for the purpose of securing advertising or other patronage, shall be deemed guilty of a misdemeanor.

SEC. 10. A new section is hereby added to said code to be numbered five hundred and thirty-eight *b* and to read as follows:

Wearing badge of secret society unless entitled to.

538*b*. Any person who willfully wears the badge, lapel button, rosette, or other recognized and established insignia of any secret society, order, or organization, or uses the same to obtain aid or assistance within this state, unless entitled to wear or use the same, under the constitution, by-laws, or rules and regulations, or other laws or enactments of such order or society, is guilty of a misdemeanor.



## CHAPTER DXXIV.

*An act to add two new sections to the Penal Code, to be numbered five hundred and ninety-eight a and five hundred and ninety-nine, both relating to the injuring or taking of birds or their nests or eggs.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered five hundred and ninety-eight a, and to read as follows: Malicious mischief.

598a. Every person, other than the owner thereof, who shoots, maims, kills, or detains any Antwerp, messenger, or homing pigeon is guilty of a misdemeanor and punishable by a fine of not less than ten nor more than twenty-five dollars, or by imprisonment in the county jail not exceeding fifty days. Killing or detaining homing pigeons.

SEC. 2. A new section is hereby added to said code, to be numbered five hundred and ninety-nine, and to read as follows:

599. Every person who willfully and knowingly kills or destroys any of that species of sea bird known as gulls, or who willfully and knowingly shoots, wounds, traps, snares, or in any other manner catches or captures any white or blue crane, or who knowingly takes, injures, or destroys the nest of any white or blue crane, or takes, injures, or destroys the eggs of any such crane in the nest or otherwise, is guilty of a misdemeanor and punishable by a fine of not less than five nor more than one hundred dollars, or by imprisonment of not less than five nor more than one hundred days, or by both such fine and imprisonment. Killing gulls or cranes.  
Destroying nests or eggs

## CHAPTER DXXV.

*An act to amend section six hundred and one of the Penal Code, relating to explosives.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and one of the Penal Code is hereby amended to read as follows: Malicious mischief.

601. Any person who maliciously deposits or explodes, or who attempts to explode, at, in, under, or near any building, vessel, boat, railroad, tramroad, or cable road, or any train, or car, or any depot, stable, car house, theatre, school Using explosives in destroying or injuring buildings, etc.

house, church, dwelling house, or other place where human beings usually inhabit, assemble, frequent, or pass and repass, any dynamite, nitro-glycerine, vigorite, giant or hercules powder, gunpowder, or other chemical compound or explosive, with the intent to injure or destroy such building, vessel, boat, or other structure, or with the intent to injure, intimidate, or terrify any human being, or by means of which any human being is injured or endangered, is guilty of a felony, and punishable by imprisonment in the state prison not less than one year.

## CHAPTER DXXVI.

*An act to amend section six hundred and two of the Penal Code and to repeal section six hundred and three thereof, both relating to trespasses.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Malicious mischief.

SECTION 1. Section six hundred and two of the Penal Code is hereby amended to read as follows:

Malicious injury to freehold.

602. Every person who willfully commits any trespass by either:

1. Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

2. Carrying away any kind of wood or timber lying on such lands;

3. Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

4. Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

5. Digging, taking, or carrying away from land in any city or town, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

6. Putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

7. Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether

covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

8. Willfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

9. Entering any inclosure belonging to, or occupied by, another for the purpose of hunting, shooting, killing, or destroying any kind of game within such inclosure, without having first obtained permission from the owner of such inclosure;

Is guilty of a misdemeanor.

SEC. 2. Section six hundred and three of said code is hereby repealed. Section 603 repealed.

#### CHAPTER DXXVII.

*An act to amend section six hundred and nine of the Penal Code, relating to the removal or injuring of buoys and beacons.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and nine of the Penal Code is hereby amended to read as follows: Malicious mischief.

609. Any person who willfully removes, damages, or destroys any buoy or beacon placed in any waters within this state by lawful authority, is guilty of a misdemeanor. Damages, etc., to buoy or beacon.

#### CHAPTER DXXVIII.

*An act to amend sections six hundred and nineteen, six hundred and twenty, six hundred and twenty-one, six hundred and thirty-eight, six hundred and thirty-nine, six hundred and forty, and six hundred and forty-one of the Penal Code, all relating to telegraphic and telephonic messages.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and nineteen of the Penal Code is hereby amended to read as follows: Malicious mischief.

Disclosing contents of telegraphic or telephonic messages.

619. Every person who willfully discloses the contents of a telegraphic or telephonic message, or any part thereof, addressed to another person, without the permission of such person, unless directed so to do by the lawful order of a court, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both fine and imprisonment.

SEC. 2. Section six hundred and twenty of said code is hereby amended to read as follows:

Altering telegraphic or telephonic messages.

620. Every person who willfully alters the purport, effect, or meaning of a telegraphic or telephonic message to the injury of another, is punishable as provided in the preceding section.

SEC. 3. Section six hundred and twenty-one of said code is hereby amended to read as follows:

Opening telegraphic or telephonic messages.

621. Every person not connected with any telegraph or telephone office who, without the authority or consent of the person to whom the same may be directed, willfully opens any sealed envelope enclosing a telegraphic or telephonic message, addressed to another person, with the purpose of learning the contents of such message, or who fraudulently represents another person and thereby procures to be delivered to himself any telegraphic or telephonic message addressed to such other person, with the intent to use, destroy, or detain the same from the person entitled to receive such message, is punishable as provided in section six hundred and nineteen.

SEC. 4. Section six hundred and thirty-eight of said code is hereby amended to read as follows:

Neglect or postponement of telegraphic or telephonic messages

638. Every agent, operator, or employé of any telegraph or telephone office, who willfully refuses or neglects to send any message received at such office for transmission, or willfully postpones the same out of its order, or willfully refuses or neglects to deliver any message received by telegraph or telephone, is guilty of a misdemeanor. Nothing herein contained must be construed to require any message to be received, transmitted, or delivered, unless the charges thereon have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason against the government of the United States or of this state or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

SEC. 5. Section six hundred and thirty-nine of said code is hereby amended to read as follows:

Employé using information contained in telegraphic or telephonic messages.

639. Every agent, operator, or employé of any telegraph or telephone office, who in any way uses or appropriates any information derived by him from any private message passing through his hands, and addressed to any other person, or in any other manner acquired by him by reason of his trust

as such agent, operator, or employé, or trades or speculates upon any such information so obtained, or in any manner turns, or attempts to turn, the same to his own account, profit, or advantage, is punishable by imprisonment in the state prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 6. Section six hundred and forty of said code is hereby amended to read as follows:

640. Every person who, by means of any machine, instrument, or contrivance, or in any other manner, willfully and fraudulently reads, or attempts to read, any message, or to learn the contents thereof, whilst the same is being sent over any telegraph or telephone line, or willfully and fraudulently, or clandestinely, learns or attempts to learn the contents or meaning of any message, while the same is in any telegraph or telephone office, or is being received thereat or sent therefrom, or who uses or attempts to use, or communicates to others, any information so obtained, is punishable as provided in section six hundred and thirty-nine.

Clandestinely learning contents of telegraphic or telephonic messages.

SEC. 7. Section six hundred and forty-one of said code is hereby amended to read as follows:

641. Every person who, by the payment or promise of any bribe, inducement, or reward, procures or attempts to procure any telegraph or telephone agent, operator, or employé to disclose any private message, or the contents, purport, substance, or meaning thereof, or offers to any such agent, operator, or employé any bribe, compensation, or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator, or employé, or uses or attempts to use any such information so obtained, is punishable as provided in section six hundred and thirty-nine.

Bribing telegraph or telephone operator.

## CHAPTER DXXIX.

*An act to amend sections seven hundred and seventy-seven, seven hundred and eighty-four, and seven hundred and eighty-nine of the Penal Code, and to add new sections thereto to be numbered seven hundred and seventy-eight a and seven hundred and seventy-eight b, all relating to the local jurisdiction of public offenses.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and seventy-seven of the Penal Code is hereby amended to read as follows:

Local jurisdiction of public offenses.

Jurisdiction of offenses committed in this state.

777. Every person is liable to punishment by the laws of this state, for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States; and except as herein otherwise provided, the jurisdiction of every public offense is in the county wherein it is committed.

SEC. 2. A new section is hereby added to said code to be numbered seven hundred and seventy-eight *a*, and to read as follows:

Performance of an act in this state culminating in a crime in another state.

778*a*. Whenever a person, with intent to commit a crime, does any act within this state in execution or part execution of such intent, which culminates in the commission of a crime, either within or without this state, such person is punishable for such crime in this state in the same manner as if the same had been committed entirely within this state.

SEC. 3. A new section is hereby added to said code to be numbered seven hundred and seventy-eight *b*, and to read as follows:

Non-resident aiding in a crime in this state.

778*b*. Every person who, being out of this state, causes, aids, advises, or encourages any person to commit a crime within this state, and is afterwards found within this state, is punishable in the same manner as if he had been within this state when he caused, aided, advised, or encouraged the commission of such crime.

SEC. 4. Section seven hundred and eighty-four of said code is hereby amended to read as follows:

Kidnaping or abduction.

784. The jurisdiction of a criminal action:

1. For forcibly and without lawful authority seizing and confining another, or inveigling or kidnaping him, with intent, against his will, to cause him to be secretly confined or imprisoned in this state, or to be sent out of the state, or from one county to another, or to be sold as a slave, or in any way held to service;

2. For decoying, taking, or enticing away a child under the age of twelve years, with intent to detain and conceal it from its parent, guardian, or other person having the lawful charge of the child;

3. For inveigling, enticing, or taking away an unmarried female of previous chaste character, under the age of eighteen years, for the purpose of prostitution; or,

4. For taking away any female, under the age of sixteen years, from her father, mother, guardian, or other person having the legal charge of her person, without their consent, either for the purpose of concubinage or prostitution;

Is in the county in which the offense is committed, or out of which the person upon whom the offense was committed has, in the commission of the offense, been taken, or in which an act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense, or in abetting the parties concerned therein.

SEC. 5. Section seven hundred and eighty-nine of said code is hereby amended to read as follows:

789. The jurisdiction of a criminal action for stealing or embezzling, in any other state, the property of another, or receiving it knowing it to have been stolen or embezzled, and bringing the same into this state, is in any county into or through which such stolen or embezzled property has been brought.

Stealing property in another state and bringing it into this state.

#### CHAPTER DXXX.

*An act to amend section eight hundred and forty of the Penal Code, relating to arrests.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and forty of the Penal Code is hereby amended to read as follows:

840. If the offense charged is a felony, the arrest may be made on any day, and at any time of the day or night. If it is a misdemeanor, the arrest cannot be made at night, unless upon the direction of the magistrate, indorsed upon the warrant, except when the offense is committed in the presence of the arresting officer.

Arrests, when may be made.

Without warrant, when.

#### CHAPTER DXXXI.

*An act to amend sections nine hundred and fifteen, nine hundred and nineteen, nine hundred and twenty-three, and nine hundred and twenty-five of the Penal Code, to repeal sections nine hundred and seven, nine hundred and eight, nine hundred and nine, nine hundred and ten, and nine hundred and sixteen thereof, and to repeal chapter four of title four of part two of said code and sections nine hundred and thirty-one, nine hundred and thirty-two, nine hundred and thirty-three, nine hundred and thirty-four, nine hundred and thirty-five, nine hundred and thirty-six, and nine hundred and thirty-seven of said code, contained in said chapter four, all relating to proceedings by and before grand juries.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections nine hundred and seven, nine hundred and eight, nine hundred and nine, nine hundred and ten, and nine hundred and sixteen of the Penal Code are hereby repealed.

Grand juries.

Repeat of certain sections

SEC. 2. Section nine hundred and fifteen of said code is hereby amended to read as follows:

Powers of grand juries.

915. The grand jury must inquire into all public offenses committed or triable within the county, and present them to the court by indictment.

SEC. 2. Section nine hundred and nineteen of said code is hereby amended to read as follows:

Evidence receivable before grand juries.

919. In the investigation of a charge, the grand jury can receive no other evidence than such as is given by witnesses produced and sworn before them, or furnished by legal documentary evidence, or the deposition of a witness in the cases mentioned in the third subdivision of section six hundred and eighty-six. The grand jury can receive none but legal evidence, and the best evidence in degree, to the exclusion of hearsay or secondary evidence.

SEC. 3. Section nine hundred and twenty-three of said code is hereby amended to read as follows:

May inquire into case of persons imprisoned, etc.

923. The grand jury must inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted; into the condition and management of the public prisons within the county; and into the willful or corrupt misconduct in office of public officers of every description within the county.

SEC. 4. Section nine hundred and twenty-five of said code is hereby amended to read as follows:

When and from whom they may ask advice.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary; the grand jury, on the demand of the district attorney, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand, and reduce the same, upon the request of the district attorney, to longhand or typewriting; a copy of such testimony must be delivered to the defendant upon his arraignment after indictment. The services of such stenographic reporter constitute a charge against the county. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury, except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions, or giving their votes upon any matter before them. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury.

Who may be present during sessions.



SEC. 5. Chapter four of title four of part two of said code, and sections nine hundred and thirty-one, nine hundred and thirty-two, nine hundred and thirty-three, nine hundred and thirty-four, nine hundred and thirty-five, nine hundred and thirty-six and nine hundred and thirty-seven of said code, contained in said chapter four, are each and all hereby repealed.

Repeal of  
certain  
sections.

## CHAPTER DXXXII.

*An act to amend sections one thousand and thirty-three and one thousand and thirty-four of the Penal Code, both relating to the change of the place of trial in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand and thirty-three of the Penal Code is hereby amended to read as follows:

Removal  
of action  
before  
trial

1033. A criminal action may be removed from the court in which it is pending on application of the defendant, on the ground that a fair and impartial trial can not be had in the county.

When  
action may  
be re-  
moved.

SEC. 2. Section one thousand and thirty-four of said code is hereby amended to read as follows:

1034. The application for removal must be made in open court, and in writing, verified by the affidavit of the defendant, a copy of which application must be served upon the district attorney at least one day prior to the hearing of the application. At the hearing the district attorney may serve and file such counter affidavits as he may deem advisable. Whenever the affidavit of the defendant shows that he can not safely appear in person to make such application because popular prejudice is so great as to endanger his personal safety, and such statement is sustained by other testimony, such application may be made by his attorney, and must be heard and determined in the absence of the defendant, notwithstanding the charge then pending against him be a felony, and he has not at the time of such application been arrested or given bail, or been arraigned, or pleaded or demurred to the indictment or information.

Applica-  
tion for  
removal,  
how made.

## CHAPTER DXXXIII.

*An act to amend sections eleven hundred and eight and eleven hundred and ten of the Penal Code, and to add a new section thereto to be numbered eleven hundred and three a, all relating to evidence necessary to convict in certain criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

The trial. SECTION 1. A new section is hereby added to the Penal Code, to be numbered eleven hundred and three a, and to read as follows:

Perjury, how proved. 1103a. Perjury must be proved by the testimony of two witnesses, or of one witness and corroborating circumstances.

SEC. 2. Section eleven hundred and eight of said code is hereby amended to read as follows:

Abortion and seduction, evidence upon a trial for. 1108. Upon a trial for procuring or attempting to procure an abortion, or aiding or assisting therein, or for inveigling, enticing, or taking away an unmarried female of previous chaste character, under the age of eighteen years, for the purpose of prostitution, or aiding or assisting therein, the defendant cannot be convicted upon the testimony of the woman upon or with whom the offense was committed, unless she is corroborated by other evidence.

SEC. 3. Section eleven hundred and ten of said code is hereby amended to read as follows:

False pretenses, evidence of. 1110. Upon a trial for having, with an intent to cheat or defraud another designedly, by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person any labor, money, or property, whether real or personal, or valuable thing, the defendant cannot be convicted if the false pretense was expressed in language unaccompanied by a false token or writing, unless the pretense, or some note or memorandum thereof is in writing, subscribed by or in the handwriting of the defendant, or unless the pretense is proven by the testimony of two witnesses, or that of one witness and corroborating circumstances; but this section does not apply to a prosecution for falsely representing or personating another, and, in such assumed character, marrying, or receiving any money or property.

## CHAPTER DXXXIV.

*An act to amend section eleven hundred and forty-seven of the Penal Code, relating to verdicts in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and forty-seven of the Penal Code is hereby amended to read as follows: The verdict.

1147. When the jury have agreed upon their verdict, they must be conducted into court by the officer having them in charge. Their names must then be called, and if all do not appear, the rest must be discharged without giving a verdict. In that case the action may be again tried. Return of jury.

## CHAPTER DXXXV.

*An act to amend section eleven hundred and eighty-two of the Penal Code, relating to new trials in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and eighty-two of the Penal Code is hereby amended to read as follows:

1182. The application for a new trial must be made before judgment, and the order granting or denying the same must be immediately entered by the clerk in the minutes. New trial, application for, when made.

## CHAPTER DXXXVI.

*An act to amend sections eleven hundred and eighty-five, eleven hundred and eighty-six, and eleven hundred and eighty-seven of the Penal Code, all relating to the arrest of judgment in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and eighty-five of the Penal Code is hereby amended to read as follows: Arrest of judgment.

1185. A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea or verdict of guilty, or on a verdict against the defendant, on a plea of a former conviction or acquittal. It Motion in arrest of judgment.

may be founded on any of the defects in the indictment or information mentioned in section ten hundred and four, unless the objection has been waived by a failure to demur, and must be made before or at the time the defendant is called for judgment. When determined, the order must be immediately entered by the clerk in the minutes.

SEC. 2. Section eleven hundred and eighty-six of said code is hereby amended to read as follows:

Court may arrest judgment without motion.

1186. The court may also, of its own motion, arrest the judgment for any of the defects mentioned in the last section, by an order for that purpose entered upon its minutes.

SEC. 3. Section eleven hundred and eighty-seven of said code is hereby amended to read as follows:

Effect of arresting judgment.

1187. The effect of an order arresting the judgment is to place the defendant in the same situation in which he was before the indictment was found or information filed.

## CHAPTER DXXXVII.

*An act to amend sections twelve hundred and fourteen, twelve hundred and twenty-one, twelve hundred and twenty-two, twelve hundred and twenty-three, twelve hundred and twenty-four, twelve hundred and twenty-five, twelve hundred and twenty-six, and twelve hundred and twenty-seven of the Penal Code, all relating to the execution of judgments in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

The execution.

SECTION 1. Section twelve hundred and fourteen of the Penal Code is hereby amended to read as follows:

If for fine alone.

1214. If the judgment is for a fine with or without imprisonment, execution may be issued thereon as on a judgment in a civil action.

SEC. 2. Section twelve hundred and twenty-one of said code is hereby amended to read as follows:

Insanity of defendant, how determined.

1221. If, after his delivery to the warden for execution, there is good reason to believe that a defendant, under judgment of death, has become insane, the warden must call such fact to the attention of the district attorney of the county in which the prison is situated, whose duty it is to immediately file in the superior court of such county a petition, stating the conviction and judgment, and the fact that the defendant is believed to be insane, and asking that the question of his sanity be inquired into. Thereupon the court must at once cause to be summoned and impaneled, from the regular jury list of the county, a jury of twelve persons to hear such inquiry.

SEC. 3. Section twelve hundred and twenty-two of said code is hereby amended to read as follows:

1222. The district attorney must attend the hearing, and may produce witnesses before the jury, for which purpose he may issue process in the same manner as for witnesses to attend before the grand jury, and disobedience thereto may be punished in like manner as disobedience to process issued by the court.

Duty of district attorney upon hearing.

SEC. 4. Section twelve hundred and twenty-three of said code is hereby amended to read as follows:

1223. The verdict of the jury must be entered upon the minutes, and thereupon the court must make and cause to be entered an order reciting the fact of such inquiry and the result thereof, and when it is found that the defendant is insane, the order must direct that he be taken to one of the state hospitals for the insane, and there kept in safe confinement until his reason is restored.

Order of court committing insane person to hospital.

SEC. 5. Section twelve hundred and twenty-four of said code is hereby amended to read as follows:

1224. If it is found that the defendant is sane, the warden must proceed to execute the judgment as specified in the warrant; if it is found that the defendant is insane, the warden must suspend the execution, and transmit a certified copy of the order mentioned in the last section to the governor, and deliver the defendant, together with a certified copy of such order, to the medical superintendent of the hospital named in such order. When the defendant recovers his reason, the superintendent of such hospital must certify that fact to the governor, who must thereupon issue to the warden his warrant, appointing a day for the execution of the judgment.

Defendant found to be sane, duty of warden.

SEC. 6. Section twelve hundred and twenty-five of said code is hereby amended to read as follows:

1225. If there is good reason to believe that a female against whom a judgment of death is rendered is pregnant, such proceedings must be had as are provided in section twelve hundred and twenty-one, except that instead of a jury, as therein provided, the court may summon three disinterested physicians, of good standing in their profession, to inquire into the supposed pregnancy, who shall, in the presence of the court, but with closed doors, if requested by the defendant, examine the defendant and hear any evidence that may be produced, and make a written finding and certificate of their conclusion, to be approved by the court and spread upon the minutes. The provisions of section twelve hundred and twenty-two apply to the proceedings upon such inquiry.

Proceedings when female is supposed to be pregnant.

SEC. 7. Section twelve hundred and twenty-six of said code is hereby amended to read as follows:

1226. If it is found that the female is not pregnant, the warden must execute the judgment; if it is found that she is pregnant the warden must suspend the execution of

If female is not pregnant, duty of warden.

the judgment, and transmit a certified copy of the finding and certificate to the governor. When the governor receives from the warden a certificate that the defendant is no longer pregnant, he must issue to the warden his warrant appointing a day for the execution of the judgment.

SEC. 8. Section twelve hundred and twenty-seven of said code is hereby amended to read as follows:

Judgment  
of death  
remaining  
in force,  
not exe-  
cuted.

1227. If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction is had, on the application of the district attorney of the county in which the conviction is had, must order the defendant to be brought before it, or if he is at large, a warrant for his apprehension may be issued. Upon the defendant being brought before the court, it must inquire into the facts, and if no legal reason exists against the execution of the judgment, must make an order that the warden of the state prison to whom the sheriff is directed to deliver the defendant execute the judgment at a specified time. The warden must execute the judgment accordingly. From an order directing and fixing the time for the execution of a judgment, as herein provided, there is no appeal.

No appeal  
from order  
of court.

#### CHAPTER DXXXVIII.

*An act to amend sections twelve hundred and thirty-five, twelve hundred and thirty-eight, twelve hundred and forty, twelve hundred and forty-one, twelve hundred and forty-five, and twelve hundred and sixty-four of the Penal Code, all relating to appeals in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appeals.

SECTION 1. Section twelve hundred and thirty-five of the Penal Code is hereby amended to read as follows:

By whom  
taken on  
questions  
of law.

1235. Either party in a prosecution by indictment or information may appeal to the supreme court on questions of law alone, as prescribed in this chapter.

SEC. 2. Section twelve hundred and thirty-eight of said code is hereby amended to read as follows:

In what  
cases by  
the people.

1238. An appeal may be taken by the people:

1. From an order setting aside the indictment or information;
2. From a judgment for the defendant on a demurrer to the indictment, accusation or information;
3. From an order granting a new trial;
4. From an order arresting judgment;
5. From an order made after judgment, affecting the substantial rights of the people.

SEC. 4. Section twelve hundred and forty of said code is hereby amended to read as follows:

1240. An appeal is taken by filing with the clerk of the court in which the judgment or order appealed from is entered, a notice stating the appeal from the same, and serving a copy thereof upon the attorney of the adverse party. How taken.

SEC. 5. Section twelve hundred and forty-one of said code is hereby amended to read as follows:

1241. If personal service of the notice can not be made, the judge of the court in which the action was tried, upon proof thereof, by affidavit filed therein, may make an order for the publication of the notice in some newspaper, for a period not exceeding thirty days. Such publication is equivalent to personal service. Notice served by publication, when.

SEC. 6. Section twelve hundred and forty-five of said code is hereby amended to read as follows:

1245. If before the granting of the certificate, the execution of the judgment has commenced, the further execution thereof is suspended, and upon service of a copy of such certificate the defendant must be restored, by the officer in whose custody he is, to his original custody. Effect of an appeal by defendant.

SEC. 8. Section twelve hundred and sixty-four of said code is hereby amended to read as follows:

1264. When the judgment of the appellate court is given, it must be entered in the minutes, and a certified copy of the entry, with a copy of the opinion of the court attached thereto, forthwith remitted to the clerk of the court from which the appeal was taken. Judgment upon appeal, how entered and remitted.

## CHAPTER DXXXIX.

*An act to amend sections thirteen hundred and five, thirteen hundred and six, and thirteen hundred and seven of the Penal Code, all relating to the forfeiture of bail in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and five of the Penal Code is hereby amended to read as follows: Bail.

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court may be lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes, and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited. But if at any time within twenty How forfeited, and how forfeiture discharged.

days after such entry in the minutes, the defendant or his bail appear and satisfactorily excuse his neglect, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

SEC. 2. Section thirteen hundred and six of said code is hereby amended to read as follows:

Forfeiture to be enforced by action.

1306. If the forfeiture is not discharged, as provided in the last section, the district attorney may at any time after twenty days from the entry upon the minutes, as provided in the last section, proceed by action against the bail upon their undertaking.

SEC. 3. Section thirteen hundred and seven of said code is hereby amended to read as follows:

Deposit of money, when forfeited, how disposed of.

1307. If, by reason of the neglect of the defendant to appear, money deposited instead of bail is forfeited, and the forfeiture is not discharged or remitted, the clerk with whom it is deposited must, at the end of thirty days, unless the court has before that time discharged the forfeiture, pay over the money deposited to the county treasurer.

## CHAPTER DXL.

*An act to amend sections thirteen hundred and thirty-five, thirteen hundred and thirty-six, thirteen hundred and thirty-seven, thirteen hundred and thirty-eight, thirteen hundred and thirty-nine, thirteen hundred and forty, and thirteen hundred and forty-one, of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and thirty-five of the Penal Code is hereby amended to read as follows:

Examination of witnesses conditionally.

1335. When a defendant has been held to answer a charge for a public offense, he, in all cases, and the people in cases other than of homicide, may, either before or after an indictment or information, have witnesses examined conditionally in his or their behalf, as prescribed in this chapter.

SEC. 2. Section thirteen hundred and thirty-six of said code is hereby amended to read as follows:

In what cases an order may be applied for.

1336. When a material witness for the defendant, or for the people, is about to leave the state, or is so sick or infirm as to afford reasonable grounds for apprehension that he will be unable to attend the trial, the defendant or the people may apply for an order that the witness be examined conditionally.

SEC. 3. Section thirteen hundred and thirty-seven of said code is hereby amended to read as follows:



1337. The application must be made upon affidavit stating: Applica-  
tion, how  
made.

1. The nature of the offense charged;
2. The state of the proceedings in the action;
3. The name and residence of the witness, and that his testimony is material to the defense or the prosecution of the action;
4. That the witness is about to leave the state, or is so sick or infirm as to afford reasonable grounds for apprehending that he will not be able to attend the trial.

SEC. 4. Section thirteen hundred and thirty-eight of said code is hereby amended to read as follows:

1338. The application may be made to the court or a judge thereof, and must be made upon three days' notice to the opposite party. Applica-  
tion, to  
whom  
made.

SEC. 5. Section thirteen hundred and thirty-nine of said code is hereby amended to read as follows:

1339. If the court or judge is satisfied that the examination of the witness is necessary, an order must be made that the witness be examined conditionally, at a specified time and place, and before a magistrate designated therein. Order,  
what to  
contain.

SEC. 6. Section thirteen hundred and forty of said code is hereby amended to read as follows:

1340. The defendant has the right to be present in person and with counsel at such examination, and if the defendant is in custody, the officer in whose custody he is, must be informed of the time and place of such examination, and must take the defendant thereto, and keep him in the presence and hearing of the witness during the examination. Defendant  
has right  
to be  
present at  
examina-  
tion.

SEC. 7. Section thirteen forty-one of said code is hereby amended to read as follows:

1341. If, at the time and place so designated, it is shown to the satisfaction of the magistrate that the witness is not about to leave the state, or is not sick or infirm, or that the application was made to avoid the examination of the witness on the trial, the examination cannot take place. Examina-  
tion not to  
proceed,  
when.

## CHAPTER DXLI.

*An act to amend sections thirteen hundred and seventy, thirteen hundred and seventy-two, and thirteen hundred and seventy-three of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and seventy of the Penal Code is hereby amended to read as follows: Inquiry  
into in-  
sanity of  
defendant.

Verdict of the jury as to sanity, and proceedings thereon.

1370. If the jury finds the defendant sane, the trial must proceed, or judgment be pronounced, as the case may be. If the jury finds the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he be in the meantime committed by the sheriff to a state hospital for the care and treatment of the insane, and that upon his becoming sane he be redelivered to the sheriff.

SEC. 2. Section thirteen hundred and seventy-two of said code is hereby amended to read as follows:

Defendant detained in hospital until he becomes sane.

1372. If the defendant is received into the state hospital he must be detained there until he becomes sane. When he becomes sane, the superintendent must certify that fact to the sheriff and district attorney of the county. The sheriff must thereupon, without delay, bring the defendant from the state hospital, and place him in proper custody until he is brought to trial or judgment, as the case may be, or is legally discharged.

SEC. 3. Section thirteen hundred and seventy-three of said code is hereby amended to read as follows:

Expenses of sending, etc., defendant to hospital, a charge against county.

1373. The expenses of sending the defendant to the state hospital, of keeping him there, and of bringing him back, are in the first instance chargeable to the county in which the indictment was found, or information filed; but the county may recover them from the estate of the defendant, if he has any, or from a relative, town, city, or county bound to provide for and maintain him.

## CHAPTER DXLII.

*An act to amend section thirteen hundred and eighty-eight of the Penal Code, relating to criminal prosecutions against minors.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Dismissal of actions.

SECTION 1. Section thirteen hundred and eighty-eight of the Penal Code is hereby amended to read as follows:

Judgment suspended in the case of a minor, when.

1388. Final judgment may be suspended on any conviction, charge, or prosecution of a minor, for misdemeanor or felony, where in the judgment of the court in which such proceeding is pending there is reasonable ground to believe that such minor may be reformed, and that a commitment to prison would work manifest injury in the premises. Such suspension may be for as long a period as the circumstances of the case may seem to warrant, and subject to the following further provisions: During the period of such suspension, or of any extension thereof, the court or judge may, under

Period of suspension.

such limitations as may seem advisable, commit such minor to the custody of the officers or managers of any strictly non-sectarian charitable corporation conducted for the purpose of reclaiming criminal minors. Such corporation, by its officers or managers, may accept the custody of such minor for a period of two months (to be further extended by the court or judge should it be deemed advisable), and should said minor be found incorrigible and incapable of reformation, he may be returned before the court for final judgment for his offense. Such charitable corporation must accept the custody of said minor as aforesaid, upon the distinct agreement that it and its officers will use all reasonable means to effect the reformation of such minor, and provide him with a home and instruction. No application for guardianship of such minor by any person, parent, or friend can be entertained by any court during the period of such suspension and custody, save upon recommendation of the court before which the criminal proceedings are pending. Such court may further, in its discretion, direct the payment of the expenses of the maintenance of such minor during such period of two months, not to exceed, in the aggregate, the sum of twenty-five dollars, which sum includes board, clothing, transportation, and all other expenses, to be paid by the county where such criminal proceeding is pending, or direct action to be instituted for the recovery thereof out of the estate of such minor, or from his parents. Such court may also revoke such order of suspension at any time.

Incorrigible minor, final judgment of the court.

Expenses paid by the county.

Action by the county to recover money.

### CHAPTER DXLIII.

*An act to amend section fourteen hundred and twenty-seven of the Penal Code, and to add a new section thereto to be numbered fourteen hundred and twenty-five, both relating to proceedings in justices' and police courts.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered fourteen hundred and twenty-five, and to read as follows:

Proceedings in justices' and police courts.

1425. The justices' courts have jurisdiction of the following public offenses committed within the respective counties in which such courts are established:

Jurisdiction of justices' courts.

1. Petit larceny;
2. Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony;

3. Breaches of the peace, riots, routs, affrays, committing a willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 2. Section fourteen hundred and twenty-seven of said code is hereby amended to read as follows:

When warrant of arrest must issue.

1427. If the justice of the peace, or police judge, is satisfied therefrom that the offense complained of has been committed, he must issue a warrant of arrest, which must be substantially in the following form:

Form of warrant.

“County of ———

“The people of the State of California to any sheriff, constable, marshal, or policeman in this state:

“Complaint upon oath having been this day made before me, ——— (justice of the peace or police judge, as the case may be), by C. D., that the offense of (designating it generally) has been committed, and accusing E. F. thereof; you are therefore commanded forthwith to arrest the above named E. F. and bring him before me forthwith, at (naming the place).

“Witness my hand and seal at ———, this ——— day of ———, A. D. ———.

“A. B.”

In case of offense by corporation.

If it appears that the offense complained of has been committed by a corporation, no warrant of arrest need issue, but the justice of the peace or police judge must issue a summons substantially in the form prescribed in section thirteen hundred and ninety-one. Such summons must be served at the time and in the manner designated in section thirteen hundred and ninety-two. At the time named in the summons the corporation may appear by counsel and answer the complaint. If it does not appear, a plea of not guilty must be entered, and the same proceedings had therein as in other cases.

#### CHAPTER DXLIV.

*An act to amend section fourteen hundred and seventy-five of the Penal Code, relating to the writ of habeas corpus.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fourteen hundred and seventy-five of the Penal Code is hereby amended to read as follows:

1475. The writ of habeas corpus may be granted:

Habeas corpus.

Writ issued by whom, and before whom returnable.

1. By the supreme court, or any justice thereof, upon petition by or on behalf of any person restrained of his liberty in this state. When so issued it may be made returnable before

the court, or any justice thereof, or before any superior court, or any judge thereof;

2. By the superior court, or a judge thereof, upon petition by or on behalf of any person restrained of his liberty, in their respective counties. If the writ has been granted by any superior court or judge, and after the hearing thereof the prisoner has been remanded, he shall not be discharged from custody by the same or any other superior court or judge, unless upon some ground not existing at the issuing of the prior writ, or unless upon some point of law not raised at the hearing upon the return of the prior writ.

#### CHAPTER DXLV.

*An act to amend sections fifteen hundred and ten, fifteen hundred and twelve, fifteen hundred and thirteen, and fifteen hundred and fifteen of the Penal Code, and to add new sections thereto to be numbered fifteen hundred and eleven a, fifteen hundred and eleven b, and fifteen hundred and fourteen a, all relating to coroners.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and ten of the Penal Code is hereby amended to read as follows:

1510. When a coroner is informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he must go to the place where the body is, cause it to be exhumed if it has been interred, and summon not less than nine nor more than fifteen persons, qualified by law to serve as jurors, to appear before him forthwith, at the place where the body of deceased is, to inquire into the cause of the death. No such person is exempt from jury duty except at the discretion of the coroner. No person shall be summoned as juror who is related to the decedent or is charged with or suspected of the killing, nor shall any one be summoned who is known to be prejudiced for or against him, but no person selected or summoned to appear as a juror is subject to be challenged by any party.

SEC. 2. A new section is hereby added to said code, to be numbered fifteen hundred and eleven a, and to read as follows:

1511a. There must be but one inquest upon a body, unless that taken is set aside by the court; and there must be but one inquest held upon several bodies of persons who

Coroner's inquests and duty of coroners.

Coroner to summon jury to inquire into cause of death.

Inquest.

were killed by the same cause, and who died at the same time. Whenever it appears that an error in the identity of the body has been made by the jury, it is discretionary with the coroner to call another inquest without reference to the court, and a memorandum of the error must be entered upon the erroneous inquisition.

SEC. 3. A new section is hereby added to said code, to be numbered fifteen hundred and eleven *b*, and to read as follows:

To view  
the body.

1511*b*. After the jury have been sworn and charged by the coroner, they must go together with the coroner to view and examine the body of the deceased person. They must not proceed upon the inquest until they have so viewed the body. After the jury have viewed the body, they may retire to any convenient place to hear the testimony of witnesses and deliberate upon their verdict. For this end the coroner may adjourn the inquest from time to time, as may be necessary.

SEC. 4. Section fifteen hundred and twelve of said code is hereby amended so as to read as follows:

Witnesses.

1512. Coroners may issue subpoenas for witnesses, returnable forthwith, or at such time and place as they may appoint, which may be served by any competent person. They must summon and examine as witnesses every person who in their opinion, or that of any of the jury, has any knowledge of the facts, and may summon a surgeon or physician to inspect the body, or hold a post mortem examination thereon, or a chemist to make an analysis of the stomach or the tissues of the body of the deceased, and give a professional opinion as to the cause of the death.

SEC. 5. Section fifteen hundred and thirteen of said code is hereby amended to read as follows:

Witnesses  
compelled  
to attend.

1513. A witness served with a subpoena may be compelled to attend and testify, or be punished by the coroner for disobedience, in like manner as upon a subpoena issued by a justice of the peace.

SEC. 6. A new section is hereby added to said code to be numbered fifteen hundred and fourteen *a*, and to read as follows:

Witness to  
be bound  
over, when

1514*a*. If the jury find that a murder or manslaughter has been committed, the coroner may bind over the witnesses against the accused to appear and testify before the grand jury, or a magistrate, or the superior court, and to obey all orders of such magistrate or court in the premises. Such recognizance must be in writing and must be subscribed by the parties to be bound thereby, and made payable to the people of the State of California in an amount to be fixed by the coroner, and approved by a judge of the superior court; and in case of their refusal to sign such recognizance, the coroner has power to commit such witness as in the case of examination of an accused person by a magistrate.

Recogni-  
zances.

SEC. 7. Section fifteen hundred and fifteen of said code is hereby amended to read as follows:

1515. The testimony of the witnesses examined before the coroner's jury must be reduced to writing by the coroner or under his direction, and forthwith filed by him, with the inquisition, and all recognizances taken by him, in the office of the county clerk.

Testimony  
in writing  
and where  
filed.

## CHAPTER DXLVI.

*An act to amend section fifteen hundred and forty-one of the Penal Code, relating to search warrants.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and forty-one of the Penal Code is hereby amended to read as follows:

Search  
warrants.

1541. The magistrate must annex the depositions, the search warrant and return, and the inventory, and if he has not power to inquire into the offense in respect to which the warrant was issued, he must at once file it and such depositions and return with the clerk of the court having power to so inquire.

Depo-  
sitions,  
warrants,  
etc., to be  
returned  
to court.

## CHAPTER DXLVII.

*An act to amend sections sixteen hundred and three and sixteen hundred and five of the Penal Code, and to add a new section thereto to be numbered sixteen hundred and fifteen, all relating to county jails.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen hundred and three of the Penal Code is hereby amended to read as follows:

County  
jails.

1603. When there is no jail in the county, or when the jail becomes unfit or unsafe for the confinement of prisoners, the judge of the superior court may, by a written order filed with the county clerk, designate the jail of a contiguous county for the confinement of the prisoners of his county, or of any of them, and may at any time modify or vacate such order.

When jail  
in con-  
tiguous  
county  
may be  
used.

SEC. 2. Section sixteen hundred and five of said code is hereby amended to read as follows:

When jail  
in con-  
tiguous  
county is  
not to be  
used.

1605. When a jail is erected in a county for the use of which the designation was made, or its jail is rendered fit and safe for the confinement of prisoners, the judge of the superior court of that county must, by a written revocation, filed with the county clerk thereof, declare that the necessity for the designation has ceased, and that it is revoked.

SEC. 3. A new section is hereby added to said code to be numbered sixteen hundred and fifteen and to read as follows:

Hair-cut-  
ting for  
sanitary  
purposes.

1615. Whenever the board of health of any city or county, or the board of supervisors of any county, or the county physician of any county of this state, presents, or causes to be presented to the sheriff, or other officer having charge of any county jail or prison, in any county or city, in this state, a certificate, or order, in writing, to the effect that it is by them, or him, considered necessary for the purpose of protecting the public health, or to prevent the introduction or spreading of disease, or to protect or improve the health of criminals under sentence, that the hair of any criminal or criminals be cut, such sheriff, or other officer, must cut, or cause to be cut, the hair of any such person or persons in his charge convicted of a misdemeanor and sentenced to a longer term of imprisonment than fifteen days, to a uniform length of one and one half inches from the scalp of such person or persons so imprisoned.

## CHAPTER DXLVIII.

*An act to authorize the construction, maintenance and operation of private spur tracks in municipalities.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Municipal  
corporations.

Construc-  
tion of  
spur tracks  
to connect  
with rail-  
roads in.

SECTION 1. The council or other legislative governing body of any city or town, or city and county, by a majority vote, may grant the right to property owners or to the proprietors of manufacturing or industrial enterprises to construct, maintain and operate spur tracks from their premises to a connection with any railroad. Such grant shall, nevertheless, be revocable at the pleasure of the granting authority.



## CHAPTER DXLIX.

*An act to amend section six hundred of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred of the Penal Code is hereby amended to read as follows: Malicious mischief.

600. Every person who willfully and maliciously burns any bridge exceeding in value fifty dollars, or any structure, snowshed, vessel, or boat, not the subject of arson, or any tent, or any stack of hay or grain or straw of any kind, or any pile of baled hay or straw, or any pile of potatoes, or beans, or vegetables, or produce, or fruit of any kind, whether sacked, boxed, crated, or not, or any growing or standing grain, grass, or tree, or any fence, or any railroad-car, lumber, cord-wood, railroad ties, telegraph or telephone poles, or shakes, or any tule land or peat ground of the value of twenty-five dollars or over, not the property of such person, is punishable by imprisonment in the state prison for not less than one year, nor more than ten years. Burning structures, etc., not the subject of arson.

## CHAPTER DL.

*An act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property or credit.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any corporation which shall be incorporated under the general incorporation laws of this state, and the provisions of this act, authorized by its articles of incorporation to loan money at interest upon the pledge or mortgage of goods or chattels, or of safe securities, shall be granted all the powers and privileges necessary for the execution of these purposes; *provided*, that nothing herein contained shall authorize any such corporation to engage in the business of banking. Corporations formed for the purpose of loaning money on personal property. Not to do a banking business.

SEC. 2. Corporations may be organized under the provisions of this act, with a capital stock of fifty thousand dollars (\$50,000.00), or over, but no business shall be transacted Capital stock required.

by any such corporation until all the capital stock of such corporation has been actually and in good faith subscribed, and at least fifty per centum thereof shall have actually been paid in, in cash, or in interest-bearing securities, to be approved by the board of bank commissioners.

License.

SEC. 3. Any such corporation, before transacting any business, shall be required to obtain from the board of bank commissioners a license in the form to be prescribed by them, authorizing such corporation to transact business in pursuance of the provisions of this act.

Bond.

SEC. 4. Every corporation applying for a license under this act shall, at the time of making the application, execute and file a bond, to the people of the state, in an amount equal to one-twentieth of its capital stock, with the board of bank commissioners, to be approved by them, conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed and for a faithful compliance with the provisions of this act. Said bond shall be executed by a domestic or foreign corporation authorized by the insurance commissioner to transact within this state, the business of surety insurance as surety. Such bond shall be renewed and refilled annually, in January of each year, or the corporation shall, within thirty days thereafter, cease doing business and proceed to close up its affairs.

Bond, by whom executed.

Renewal of bond.

Amount of money to be loaned.

SEC. 5. Such corporations when they have disposable funds may make advances on all goods, chattels and savings bank deposit books, or on all safe securities offered, embraced within its rules and regulations, but in no case shall the amount loaned to any one person exceed the sum of three hundred dollars (\$300.00).

Rate of interest on mortgages.

SEC. 6. Such corporation shall be entitled to charge and receive upon each loan made by it upon a mortgage of personal property, which charge shall include all services of every character in connection with said loan, except upon the foreclosure of the security, interest or discount at a rate not exceeding one and one half (1½) per centum per month.

Charge for examination of property to be mortgaged.

It may also charge for the first examination of the property to be mortgaged and for drawing and filing the necessary papers, and for all other expenses, a sum not exceeding five dollars (\$5.00) if a loan shall actually be made; but no further charge for examination of the property or for drawing or filing papers, or for any service or expenses, or upon any pretext whatsoever, beyond the said charge for interest or discount, shall be made upon any renewal or extension of the loan, or any transfer or change of the loan, or upon any other occasion, within one year from the date of the original loan, or oftener than once in each period of twelve months thereafter, *provided, however*, it shall be lawful to

Insurance.

Rate of interest upon pledges.

charge for any fire insurance that may be at any time effected. It may also charge and receive upon each loan made by it upon the pledge of personal property which charge shall include all services of every character in connection with

said loan, except upon the sale of the security at public auction, as hereinafter provided, interest or discount at a rate not exceeding one and one half (1½) per centum per month; *provided, however*, that all loans shall be subject to one month's interest and no loan shall be settled at a less charge than fifteen cents. A charge of one half (½) of one per centum per month additional may be made upon pledges for storage, burglary and fire insurance. In case of loss by fire or theft, such corporation shall not be liable, however, for more than the amount loaned, and twenty-five (25) per centum thereof in addition.

SEC. 7. Such corporation shall give to each pledgor a memorandum or ticket inscribed with the name of the corporation, mentioning the article or articles, security or securities, pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when made, the date when payable, the page of the book where recorded, and a copy of section six (6) and eight (8) of this act.

Memorandum ticket for pledgor.

SEC. 8. Property pledged to such corporations shall not be sold prior to six (6) months after the day fixed in the contract for payment, and all sales shall be at public auction, and notice of any such sale shall be published at least five (5) days previous thereto in a daily newspaper printed in the city, or city and county, in which any such corporation is located. If upon the sale of any such property at public auction there be any surplus left, after paying the cost of advertising and sale, and the amount of the loan and interest due thereon, the same shall be paid over to the pledgor or his legal representative or assigns on demand, any time within two years after such sale. It shall not be necessary for such corporation to sell at public auction any savings bank deposit book pledged for a loan, but the corporation may collect the money due thereon or so much thereof as may be necessary to pay the debt, in such manner and at such time as in the judgment of the directors of such corporation will best serve the interest of all parties, holding the net surplus, if any, for the owner, his legal representative or assigns. Loans on pledges may be renewed from time to time, but in no case longer than one year.

Sale of property pledged.

Notice of sale.

Surplus after sale.

Savings bank deposit book pledged.

Renewal.

SEC. 9. A corporation organized under this act shall be authorized to borrow money in any amount to be used in its business not exceeding in the aggregate the amount of its capital stock.

Authority to borrow money.

SEC. 10. Such corporation shall file with the board of bank commissioners, during the months of January and July of each year, a statement, under oath, of the condition of such corporation at the close of business on the thirty-first day of December, and the thirtieth day of June, respectively next preceding, showing its actual financial condition. The said statement shall also be in such form, and contain such reports, returns, and information as to the affairs, business, condition,

Statement filed with bank commissioners.

Form of statement.

and resources of the corporation, as the said commissioners may from time to time prescribe and require.

**Power of bank commis- sioners.**  
**SEC. 11.** The said board of bank commissioners shall have access to the vaults, books, and papers of any such corporation, and it shall be their duty to inspect, examine and inquire into its affairs and take proceedings in regard to it, in the same manner and to the same extent as if said corporation were a savings bank or a banking corporation.

**Other cor- porations, persons, etc., rate of interest to be charged by.**  
**SEC. 12.** No person, firm or corporation, other than corporations organized pursuant to this act shall, directly or indirectly, charge or receive any interest, discount or consideration greater than at the rate of one and one half (1½) per centum per month upon the loan, use or forbearance of money, goods or things in action, less than three hundred dollars (\$300.00) in amount or value, or upon the loan, use or sale of personal credit in anywise, where there is taken for such loan, use or sale of personal credit, any security upon any upholstery, furniture or household goods, oil paintings, pictures or works of art, pianos, organs, musical instruments, or sewing machines, plate or silverware, iron or steel safes, professional libraries, or office furniture or fixtures, instruments of surveyors, physicians, or dentists, printing presses or printing material, wearing apparel, diamonds, watches or jewelry. The foregoing prohibition shall apply to any person who, as security for any such loan, use or forbearance of money, or for any such loan, use or sale of personal credit, as aforesaid, makes a pretended purchase of property from any person, or who, by any device or pretense of charging for his services, or otherwise, seeks to obtain a larger compensation in any case hereinbefore provided for. Any person violating the foregoing prohibition shall be guilty of a misdemeanor and is punishable by a fine of one hundred dollars (\$100.00) for the first offense, and by a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; *and further*, the interest on any amount loaned shall be forfeited to the borrower. But this section shall not apply to licensed pawn-brokers, making loans upon the actual and permanent deposits of personal property, excepting those charging unlawful rates of interest, nor affect in any way the validity or legality of any loan of money or credit exceeding three hundred dollars (\$300.00) in amount.

**Violation.**  
**Not ap- plicable to licensed pawn- brokers.**  
**Corpora- tions or- ganized under this act, pen- alty for violation of pro- visions.**  
**SEC. 13.** Any corporation organized under this act which shall violate the provisions of the second section hereof, shall be liable to a penalty of one hundred dollars (\$100.00) for each and every day of the continuance of such violation; and any corporation which shall willfully violate any of the provisions of any other section of this act, by which any person shall suffer or sustain loss or damage, shall forfeit its rights to do business, and the attorney-general of this state shall take the necessary legal measures to wind up and discontinue its business. Any director, officer or employé

of any corporation organized under this act who shall charge, take or collect or receive, any compensation on a loan beyond or in excess of the charges herein allowed, shall be guilty of a misdemeanor and be fined not to exceed one hundred dollars (\$100.00) or be imprisoned in the county jail for not more than six (6) months, or both.

SEC. 14. No such corporation shall, in any year, declare or pay dividends on its capital stock amounting to more than six (6) per centum. After any such corporation shall have accumulated a surplus or risk fund amounting to fifty (50) per centum of its capital, the board of bank commissioners, upon ascertaining that said corporation has, during the previous calendar year, made a net profit amounting to more than six (6) per centum on its capital, shall have authority to make an order reducing the rates of interest, discount and charges which said corporation may lawfully charge and receive upon loans, to such rates as will, in the judgment of said commissioners; produce a net return of six (6) per centum on its capital stock. It shall be stated in said order when it shall take effect, which shall not be less than four months after it is made, and it shall continue in force until revoked.

Dividends.

Surplus or risk fund.

Order of bank commissioners reducing the rate of interest.

SEC. 15. Such corporation shall pay annually in advance license fees, as follows: To the treasurer of state, who shall pay the same into the "Bank Commissioners' Fund," the sum of fifty dollars (\$50.00), to the treasurer of the city, or city and county, in which such corporation is located, the sum of one hundred and fifty dollars (\$150.00). This to be in lieu of all other licenses.

Annual license fee.

SEC. 16. This act shall take effect and be in force from and after its passage.

CHAPTER DLI.

*An act to amend section 1 of an act entitled An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom, (approved March 20, 1889. Stats. 1889, p. 433.)*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Section 1 of an act entitled an act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom, approved March 20, 1889, is hereby amended to read as follows:

Municipal corporations.

Section 1. The boundaries of any city or municipal corporation may be altered, and territory excluded therefrom, after proceeding had, as required in this section. The council, board of trustees, or other legislative body of such corporation, shall, upon receiving a petition therefor, signed by

Excluding territory therefrom.

Petition

not less than a majority of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such territory as is proposed by such petition shall be excluded from such municipal corporation and cease to be a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be excluded. And the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For exclusion" or "Against exclusion," or words equivalent thereto; such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be excluded, which place or places shall be that or those usually used for that purpose within such territory, if any such there be, and for the purposes of this act, the qualified electors residing in the territory proposed to be excluded shall be entitled to vote at the polls in such territory, and not elsewhere. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be excluded shall be canvassed separately, and if it shall appear on such canvass that a majority of all the votes cast in such territory, and a majority of all the votes in such corporation, shall be for exclusion, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation exclusive of such territory, the number of votes cast in each for exclusion, and the whole number of votes cast in each against exclusion. From and after the date of filing such abstract, such exclusion of territory from such municipal corporation shall be deemed complete, and thereafter such territory shall cease to be a part of such municipal corporation; *provided*, that nothing contained in this act shall be held to relieve in any manner whatsoever any part of such territory from any liability for any debt contracted by such municipal corporation prior to such exclusion; *and provided further*, that such municipal corporation is hereby authorized to levy and collect from any territory so excluded, from time to time, such sums of money as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such debts. Such assessment and collection shall

Submission of question to electors.

Special election.

Publication of notice of election.

Ballots, what to contain.

Who are entitled to vote.

Officers of election.

Canvass of votes.

Order of legislative body.

Certified abstract of vote filed with secretary of state.

Exclusion of territory deemed complete.

Not to relieve liability of territory excluded.

Levy of taxes.

be made in the same manner and at the same time that such assessment and collection is levied and made upon the property of such municipal corporation for any payment on account of such debts; *and provided further*, that any such territory so excluded from any municipal corporation may at any time tender to the legislative body of such municipal corporation the amount for which such territory is liable on account of such debts, and after such tender is made, such authority as is herein given to such municipal corporation to levy and assess taxes on such excluded territory shall cease; *provided, however*, that after an election shall have been held for the exclusion of any portion of a municipal corporation if the vote shall be against exclusion, no election for the exclusion of the same territory shall again be held within three years from the date of such former election.

Levy of taxes to cease, when.

When vote is against exclusion, new election may be held, when.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repeal of conflicting acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER DLII.

*An act to create a reclamation district, to be called "Reclamation District Number Seventy," and providing for the control and management thereof.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A reclamation district is hereby created to be called "Reclamation District Number Seventy," and the boundaries of said reclamation district shall be as follows: Beginning at a point where Butte slough intersects the Sacramento river, in township 16, north range 1 west, and running thence easterly along the southerly and westerly bank of said Butte slough to where the same intersects the north line of section 26, township 15, north range, 1 east, M. D. B. & M. Thence southeasterly in a direct line to the northeast corner of the southeast quarter of section 35, township 15, north range 1 east; thence southerly, following the section line to the southeast corner of the northeast quarter of section 14, township 14, north range, 1 east; thence west to the Sacramento river; thence northerly, following the meanderings of the easterly bank of said river, to the place of beginning.

Reclamation district, establishment of new.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this state, relative to reclamation districts formed under the provisions of said Political Code.

Management and control of.

SEC. 3. All acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Repeal of conflicting acts.

## CHAPTER DLIII.

*An act to amend section four hundred and ninety-six of the Penal Code, relating to the buying or receiving of stolen property.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Larceny.

SECTION 1. Section four hundred and ninety-six of the Penal Code is hereby amended to read as follows:

Receiver of  
stolen  
property.

496. Every person who, for his own gain, or to prevent the owner from again possessing his property, buys or receives any personal property, knowing the same to have been stolen, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding six months; and it shall be presumptive evidence that such property was stolen, if the same consists of jewelry, silver, or plated ware, or articles of personal ornament, if purchased or received from a person under the age of eighteen years, unless such property is sold by such minor at a fixed place of business carried on by such minor or his employer.

## CHAPTER DLIV.

*An act to amend section four hundred and ninety-seven of the Penal Code, relating to the bringing of stolen or embezzled property into this state.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Larceny.

SECTION 1. Section four hundred and ninety-seven of the Penal Code is hereby amended to read as follows:

Receiving  
property  
stolen in  
another  
state.

497. Every person who, in another state or country steals or embezzles the property of another, or receives such property knowing it to have been stolen or embezzled, and brings the same into this state, may be convicted and punished in the same manner as if such larceny, or embezzlement, or receiving, had been committed in this state.



CHAPTER DLV.

*An act to amend section one thousand, six hundred and seventy-one of the Political Code of the State of California, relating to the establishment of high schools.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1671 of the Political Code is hereby amended so as to read as follows: High schools.

1671. First—There may be established in any county in this state one or more county high schools; *provided*, that at any general or special election held in said county after the passage of this act, a majority of all the votes cast at such election, upon the proposition to establish a high school, shall be in favor of establishing and maintaining such county high school or schools at the expense of said county. Establishment of. Special election.

Second—The board of supervisors at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by fifty or more qualified electors, taxpayers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The board of supervisors, if they deem it expedient, may order a special election for such purpose. Said election shall be conducted in the manner prescribed by law for conducting elections. The ballots at such election shall contain the words "For county high school," and the voter shall write or print thereafter on the ballot the word "yes" or the word "no." General election. Special election. Ballots to contain, what.

Third—If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the board of supervisors, within thirty days after canvassing said vote, to locate the school in some suitable and convenient place in said county. The board of supervisors shall also estimate the cost of purchasing a suitable lot, erecting a building, and furnishing the same, for the accommodation of such school, together with the cost of conducting such school for the next twelve months; *provided*, that the high school board may rent suitable rooms for the accommodation of the school. If rooms can be obtained in public school buildings in the place in which said school shall be located, such rooms shall be given the preference. Canvass of votes. Location of school. Estimate of cost. Rent, of rooms.

Fourth—When such estimate shall have been made, the board of supervisors shall thereupon proceed to levy a special tax upon all of the assessable property of the county, except as provided in subdivision twentieth of section one thousand six hundred and seventy of the Political Code, sufficient to raise the amount estimated as necessary for the purchasing of a lot, procuring plans and specifications, erecting a build- Levy of special tax.

ing, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following (12) months. Said tax shall be computed, entered on the tax roll, and collected, in the same manner as other taxes are computed, entered, and collected; and the amount so collected shall be deposited in the county treasury, and be known and designated as the county high school fund, and shall be drawn from the treasury as other moneys so appropriated are drawn.

**Collection of tax.**  
**Deeded to board of education.**  
 Fifth—When the board of supervisors shall have properly provided and completed the building, together with the necessary fencing of the lot so purchased, they shall cause the same to be deeded to the county board of education, who shall hold the same in trust for the county.

**Duty of board of education.**  
 Sixth—It shall be the duty of the county board of education to furnish to the board of supervisors, annually, an estimate of the amount of money needed to pay all of the necessary expenses of running said school; to adopt the necessary text-books (the state series shall be used in grades and classes for which they are adapted); to adopt and enforce a course of study for said schools; to employ suitable teachers, janitors, and other employés, and discharge such employés when deemed advisable by them, and to do any and all other things necessary to the proper conduct of the school. The course of study shall embrace a period not less than three years, and it shall be such as will prepare graduates therein for admission to the state university.

**Duty of board of supervisors.**  
**County high school fund.**  
**Requisitions on fund.**  
 Seventh—It shall be the duty of the board of supervisors to include in their annual tax levy an amount sufficient to maintain the county high school; and such amount when collected and paid into the county treasury shall be known as the "county high school fund," and may be drawn therefrom in the following manner, for the purpose of defraying the expenses of conducting said county high school: The county board of education shall draw their order on the county superintendent of schools, in the manner and form provided by law for school district trustees drawing orders on their district school funds, and the county superintendent shall draw his requisition on the auditor, who shall draw his warrant on the county treasurer in favor of the person or persons to whom the amount called for in such requisition is due. All orders, requisitions, and warrants drawn on the "county high school fund," in all other respects, except as specified in this act, shall be subject to the law governing school districts.

**In case of more than one school.**  
 Eighth—In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school.

**Examination for admission.**  
 Ninth—All county high schools shall be open for the admission of graduates holding diplomas from the grammar schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admis-

sion shall be conducted by the county board of education and the principal of the county high school.

Tenth—Nothing in this act shall be construed so as to prevent the principal of the high school from acting as principal of the grammar school of the school district in which the high school is located, if so desired by the trustees of said school district.

Principal of.

Eleventh—All proceeding for the formation and organization of high school districts and the establishment of county, city, city and county, union, joint union and district high schools had, prior to the passage and approval of this act, are hereby validated and declared legal, and said high school districts and high schools are hereby declared to be legally formed, organized and established; and in all cases where high school districts and high schools have heretofore been, or may hereafter be, formed, organized and established, the certificate of the county superintendent mentioned in subdivision four of section one thousand, six hundred and seventy of the Political Code when filed with the county clerk, when the result of the election as therein declared is in favor of the establishment of the high school, shall after the expiration of one year from the date of such filing be conclusive evidence that such high school district and high school has been legally established.

Validating the former establishment of high school.

Deemed legally established, when.

SEC. 2. This act shall take effect immediately.

CHAPTER DLVI.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and the several acts amendatory thereof and supplemental thereto.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifty-four of an act entitled "An act to establish a uniform system of county and township governments" is hereby amended to read as follows:

County government.

Section 54. No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the state, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; *and provided further*, that no person shall hereafter be eligible to the office of dis-

Qualifications of officers.

Woman eligible as superintendent of schools, etc.

District attorney.

County live stock inspector. trict attorney who has not been admitted to practice in the supreme court of the State of California; and *provided further*, that the county live stock inspector shall, at the time of his appointment, be a duly qualified veterinary surgeon having on file in the office of the county clerk a certificate issued to him by the state veterinary medical board.

SEC. 2. Section fifty-five of said act is hereby amended to read as follows:

County officers specified. Consolidation of. Separation of duties and reconsolidation. Section 55. The officers of a county are a sheriff, a county clerk, an auditor, a recorder, a license collector, a tax collector, who shall be ex-officio license collector, a district attorney, an assessor, a treasurer, a superintendent of schools, a public administrator, a coroner, a surveyor, the members of the board of supervisors, a live stock inspector, and such other officers as may be provided by law. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this act, the duties of certain of the above-mentioned officers are hereby consolidated, as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner. In counties where the duties of said officers have been, or may hereafter be, consolidated in either manner above designated, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

SEC. 3. A new section is hereby added to said act to be numbered section fifty-five and one half and which section is to read as follows:

Live stock inspector, appointment. Salary. Section 55½. The live stock inspector shall be appointed by the board of supervisors whenever in the discretion of the board of supervisors the interest of the public welfare demand the services of such an officer, and such officer shall hold his office at the pleasure of the appointing power. He shall receive a salary in the sum of one hundred and twenty-five dollars per month, which salary shall be paid at the same time and in the same manner and out of the same funds that other county officers are paid.

SEC. 4. A new section is hereby added to said act to be numbered twenty-five and one half and to read as follows:

Preservation of health of domestic animals, ordinances for. Section 25½. The board of supervisors shall adopt orders and enact ordinances necessary for the preservation of the health of domestic live stock, which orders and ordinances

shall not be in conflict with state or federal laws, and the said board of supervisors shall provide for the payment of all expenses incurred in enforcing the same, which expenses shall be a county charge and payable in the same manner and out of the same funds as other county charges are paid.

SEC. 5. A new section is hereby added to said act to be numbered one hundred and fifty-two and one half, and to read as follows:

Section 152 $\frac{1}{2}$ . It shall be the duty of the live stock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and necessary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his county.

Duties of  
live stock  
inspector.

#### CHAPTER DLVII.

*An act to amend section one hundred and five of the Penal Code of the State of California, relating to escapes from state prison and their punishment.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and five of the Penal Code, is hereby amended to read as follows:

105. Every prisoner confined in a state prison, for a term less than for life, who escapes therefrom, is punishable by imprisonment in a state prison for a term of not less than one year; said second term of imprisonment to commence from the time he would otherwise have been discharged from said prison.

Escapes  
from state  
prison,  
punish-  
ment of.

SEC. 2. This act shall take effect immediately.

## CHAPTER DLVIII.

*An act to amend section thirteen hundred and eighty-seven of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and eighty-seven of the Penal Code is hereby amended as follows:

Dismissal of actions, order for a bar in misdemeanor but not in felony.

1387. An order for the dismissal of the action, as provided in this chapter, is a bar to any other prosecution for the same offense, if it is a misdemeanor, unless such order is explicitly made for the purpose of amending the complaint in such action, in which instance such order for dismissal of the action shall not act as a bar to a prosecution upon such amended complaint; but an order for the dismissal of the action is not a bar if the offense is a felony.

## CHAPTER DLIX.

*An act to amend section 15 of an act entitled "An act to regulate and govern the state prisons of California," approved March 19th 1889, relating to moneys received by the wardens thereof.*

[Approved March 21, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State prisons.

SECTION 1. Section 15 of an act entitled "An act to regulate and govern the state prisons of California," approved March 19th 1889, is hereby amended so as to read as follows:

Report of warden of San Quentin of money received.

Paid into general fund.

Jute revolving fund.

Folsom prison.

Section 15. All moneys received or collected by the warden of San Quentin prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require, and at the same time shall be paid into the general fund of the state treasury on the order of the controller, except so much thereof as shall be necessary to be paid into the jute revolving fund as required by the provisions of an act of the legislature approved March 9th 1885 and amended March 16th 1889. All moneys received or collected by the warden of Folsom prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require and at the same time shall be paid into the state treasury to the credit

of the Folsom state prison fund, excepting so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners under the provisions of this act. The wardens shall require vouchers for all moneys by them expended and safely keep the same on file in their respective offices at the prisons. For all sums of money required to be paid other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the warden, drafts shall be drawn on the controller of state, signed by at least three of the directors, and the controller of state shall draw his warrant on the state treasurer who shall pay the same out of any moneys belonging to the state prison fund or appropriated for the use or support of the state prisons. The amount of all money retained by the wardens and the aggregate amount paid out shall be reported quarterly to the controller of state and the proper entries shall be made on the controller's books.

Vouchers.

Drafts on controller.

Quarterly report to controller.

SEC. 2. So much of the provisions of an act of the legislature, approved March 17th 1899, requiring the payment into the state treasury of all moneys belonging to the state, and all amendments to said act, in conflict with the provisions of this act, are hereby repealed.

Repeal of certain provisions.

SEC. 3. This act shall take effect and be in force July first, nineteen hundred and five.

CHAPTER DLX.

*An act to add a chapter to Title V of Part IV of Division Second of the Civil Code, relating to the homesteads of insane persons.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added to Title V of Part IV of Division Second of the Civil Code a new chapter to read as follows:

CHAPTER IV.

ALIENATION OF HOMESTEADS OF INSANE PERSONS.

- Sec. 1269a. Petition for sale or mortgage of homestead where husband or wife is insane.
- Sec. 1269b. Notice of application for order.
- Sec. 1269c. When an order may be made to sell or mortgage the homestead of an insane person.

Alienation of homesteads of insane persons.

1269a. In case of a homestead, if either the husband or wife becomes hopelessly insane, the husband or wife not insane may petition the superior court of the county in which such homestead is situated for an order permitting the husband or wife, not insane, to sell and convey, or mortgage,

Petition for sale or mortgage of.

such homestead to raise moneys to satisfy a lien or charge thereon, or to provide for the support and care either of the sane or insane spouse, or of their minor children. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane husband or wife; the number, age, and sex of the children, if any, of such insane husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; and such facts, in addition to that of the insanity of the husband or wife, relating to the circumstances and necessities of the applicant and his or her family, as he or she may rely upon in support of the petition.

Notice of application for order.

1269b. Notice of the application for such order must be given by publication of the same, in a newspaper published in the county in which such homestead is situated, if there is a newspaper published therein, once each week for three successive weeks, prior to the hearing of such application, and a copy of such notice must also be personally served upon the nearest male relative of such insane husband or wife, resident in this state, at least three weeks prior to such application; and in case there is no such male relative known to the applicant, a copy of such notice must be so served upon the public administrator of the county in which such homestead is situated; and in such case it is the duty of such public administrator to appear and represent the interests of such insane person. For all such services rendered by the public administrator he must be allowed a reasonable fee, to be fixed by the court, and the same must be taxed as costs against the person making application for the order herein provided for.

When order may be made and effect of order.

1269c. If it appears to the court that such husband or wife is hopelessly insane, the court may make an order permitting the husband or wife, not insane, to sell and convey, or mortgage, such homestead, and thereafter any sale, conveyance, or mortgage made in pursuance of such order is as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, or mortgage. If a sale is ordered it must be reported to and confirmed by the court. Such husband or wife must, before executing any mortgage or conveyance, give a bond, to be approved by the judge of the court, in double the amount of the mortgage, or double the value of the property to be sold, conditioned to account for the proceeds of the mortgage or sale and to apply such proceeds only as the court may direct.



## CHAPTER DLXI.

*An act to amend section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said code to be known as section 1619, relating to the compensation of attorneys of executors and administrators.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1618 of the Code of Civil Procedure is hereby amended to read as follows: Executors and administrators.

1618. When no compensation is provided by the will, or the executor renounces all claim thereto, he must be allowed commissions upon the amount of estate accounted for by him, as follows: For the first thousand dollars, at the rate of seven per cent; for the next nine thousand dollars, at the rate of four per cent; for the next ten thousand dollars, at the rate of three per cent; for the next thirty thousand dollars, at the rate of two per cent; for the next fifty thousand dollars, at the rate of one per cent; and for all above one hundred thousand dollars, at the rate of one half of one per cent. The same commissions shall be allowed to administrators. In all cases, such further allowance may be made as the court may deem just and reasonable for any extraordinary service, but the total amount of such extra allowance must not exceed one half the amount of commissions allowed by this section. Where the property of the estate is distributed in kind, and involves no labor beyond the custody and distribution of the same, the commission shall be computed on all the estate above the value of twenty thousand dollars, at one half of the rates fixed in this section. Public administrators shall receive the same compensation and allowances as are allowed in this title to other administrators. All contracts between an executor or administrator and an heir, devisee, or legatee, for a higher compensation than that allowed by this section, shall be void. Executor, commissions allowed to.  
Adminis-  
trator.  
Extraordi-  
nary  
service.

SEC. 2. A new section is hereby added to said code to be known as section 1619, to read as follows:

1619. Executors and administrators shall be allowed for fees of their attorneys for conducting the ordinary probate proceedings, the same amounts as are allowed by the last section as compensation for executors and administrators for their own services. In all cases, such further allowance may be made as the court may deem just and reasonable for any extraordinary service, such as sales or mortgages of real estate, contested or litigated claims against the estate, litigation in regard to the property of the estate, and such other litigation as may be necessary for the executor or administrator to prosecute or defend. Allowed  
fees for  
attorneys.  
Extraordi-  
nary  
service.

SEC. 3. Nothing in this act shall be construed to apply to any estate in course of administration at the time this act goes into effect. Not to ap-  
ply to cer-  
tain cases.

## CHAPTER DLXII.

*An act to repeal sections two hundred and forty-two, two hundred and forty-three, two hundred and forty-four, two hundred and forty-five, two hundred and forty-seven, two hundred and forty-eight, two hundred and forty-nine, and two hundred and fifty-eight, and to amend section two hundred and forty-six of the Civil Code, all relating to guardian and ward.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Guardian  
and ward.

Repeal of  
certain  
sections.

SECTION 1. Section two hundred and forty-two of the Civil Code is hereby repealed.

SEC. 2. Section two hundred and forty-three of said code is hereby repealed.

SEC. 3. Section two hundred and forty-four of said code is hereby repealed.

SEC. 4. Section two hundred and forty-five of said code is hereby repealed.

SEC. 5. Section two hundred and forty-six of said code is hereby amended to read as follows:

Rules for  
awarding  
custody of  
minor.

246. In awarding the custody of a minor, or in appointing a general guardian, the court or officer is to be guided by the following considerations:

1. By what appears to be for the best interest of the child in respect to its temporal and its mental and moral welfare; and if the child is of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question;

2. As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but other things being equal, if the child is of tender years, it should be given to the mother; if it is of an age to require education and preparation for labor and business, then to the father;

3. Of two persons equally entitled to the custody in other respects, preference is to be given as follows:

(1) To a parent;

(2) To one who was indicated by the wishes of a deceased parent;

(3) To one who already stands in the position of a trustee of a fund to be applied to the child's support;

(4) To a relative.

4. Any parent who knowingly or willfully abandons, or having the ability so to do, fails to maintain his minor child under the age of fourteen years, forfeits the guardianship of such child; and any parent or guardian who knowingly permits his child or ward to remain for the space of one year in

any orphan asylum of this state, wherein such child is supported by charity, and who, during such period, fails to give notice in writing to the managers or officers of such asylum that he is such parent or guardian, abandons and forever forfeits all right to the guardianship, care, custody, and control of such child. The officers and managers of any orphan asylum having any such abandoned child in its care have the preferred right to the guardianship of such child.

SEC. 6. Section two hundred and forty-seven of said code is hereby repealed. Repeal of certain sections.

SEC. 7. Section two hundred and forty-eight of said code is hereby repealed.

SEC. 8. Section two hundred and forty-nine of said code is hereby repealed.

SEC. 9. Section two hundred and fifty-eight of said code is hereby repealed.

#### CHAPTER DLXIII.

*An act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years: Appropriations for support of government

##### FOR LEGISLATIVE DEPARTMENT.

For per diem and mileage of lieutenant-governor and senators, twenty-one thousand five hundred dollars. Legislative department.

For per diem and mileage of assemblymen, forty-two thousand dollars.

For pay of officers and clerks of the senate, twenty-one thousand dollars.

For pay of officers and clerks of the assembly, twenty-eight thousand dollars.

For contingent expenses of the senate, forty-five thousand dollars.

For contingent expenses of the assembly, fifty-two thousand dollars.

##### FOR JUDICIAL DEPARTMENT.

For salaries of justices of supreme court, eighty-four thousand dollars. Judicial department.

For salaries of judges of district courts of appeal, one hundred and eight thousand dollars.

For state's portion of salaries of judges of superior courts, three hundred and fifty thousand dollars.

For salary of clerk of supreme court, six thousand dollars.

For salary of chief deputy clerk of supreme court, four thousand eight hundred dollars.

For salaries of five deputy clerks of supreme court, eighteen thousand dollars.

For salary of stenographer to clerk of supreme court, two thousand dollars.

For salary of reporter of decisions of supreme court and district courts of appeal, five thousand dollars.

For salary of assistant reporter of decisions of supreme court and district courts of appeal, four thousand eight hundred dollars.

For salaries of three clerks of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of two secretaries of supreme court, nine thousand six hundred dollars.

For salary of librarian, supreme court library, three thousand dollars.

For salaries of two bailiffs and performing the work of porters of supreme court, six thousand dollars.

For salaries of three bailiffs and performing the work of porters of district courts of appeal, seven thousand two hundred dollars.

For pay of porter for office of clerk of supreme court at Sacramento, one thousand four hundred and forty dollars.

For postage and contingent expenses of clerk of supreme court, one thousand six hundred dollars.

For postage and contingent expenses of clerks of district courts of appeal (one third to each), three thousand dollars.

For postage and contingent expenses of supreme court, two hundred and fifty dollars.

For postage and contingent expenses of district courts of appeal (one third to each), seven hundred and fifty dollars.

For expenses of supreme court, under section 47, Code of Civil Procedure, thirty-five thousand eight hundred dollars.

For salary of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of three phonographic reporters of district courts of appeal, ten thousand eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerk of supreme court, two thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerks of district courts of appeal (one third to each), three thousand dollars.

Executive  
depart-  
ment.

FOR EXECUTIVE DEPARTMENT.

For salary of governor, twelve thousand dollars.

For salary of private secretary to governor, eight thousand dollars.

For salary of executive secretary to governor, five thousand two hundred dollars.

For salary of stenographer to governor, three thousand two hundred dollars.

For pay of messenger to governor, two thousand four hundred dollars.

For special contingent expenses (secret service) governor's office (exempt from provisions of sections 433 and 672 of Political Code), ten thousand dollars.

For postage, expressage, telegraphing, traveling, and contingent expenses, governor's office, five thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the executive department, one thousand two hundred and fifty dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor, illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, two thousand dollars.

For arresting criminals without the state, ten thousand dollars.

#### FOR STATE BOARD OF EXAMINERS.

Board of  
examiners

For salary of secretary to board of examiners, six thousand dollars.

For salary of assistant secretary to board of examiners, four thousand eight hundred dollars.

For salaries of clerks to state board of examiners, twelve thousand eight hundred dollars.

For pay of porter, board of examiners, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of examiners, nine hundred dollars.

For traveling expenses of state board of examiners, one thousand seven hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of examiners, five hundred dollars.

#### FOR SECRETARY OF STATE'S OFFICE.

Secretary  
of state.

For salary of secretary of state, six thousand dollars.

For salary of deputy secretary of state, four thousand eight hundred dollars.

For salary of bookkeeper, secretary of state's office, four thousand dollars.

For salary of statistician, secretary of state's office, four thousand dollars.

For salary of keeper of archives, secretary of state's office, four thousand dollars.

For salaries of clerks, secretary of state's office, sixteen thousand dollars.

For salary of janitor, state capitol, four thousand dollars.

For salary of clerk to janitor, secretary of state's office, three thousand two hundred dollars.

For pay of porter, secretary of state's office, one thousand four hundred and forty dollars.

For postage, expressage, and telegraphing, secretary of state's office (exempt from section 4 of this act), four thousand dollars.

For contingent and traveling expenses, secretary of state's office, five hundred dollars.

For salaries of two special clerks, secretary of state's office (under section 422, Political Code, to be expended during the fifty-eighth fiscal year), seven hundred and fifty dollars.

For purchase of ballot paper, six thousand dollars.

For indexing laws and resolutions, five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, ten thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, to be used for the purpose of printing and distributing constitutional amendments, one thousand six hundred dollars.

Capitol  
and  
grounds.

FOR STATE CAPITOL BUILDING AND GROUNDS.

For pay of employes of state capitol building and grounds, fifty-four thousand one hundred and twenty dollars.

For salaries of policemen, capitol grounds, seven thousand two hundred dollars.

For salary of elevator attendant, engineer, and fireman, serving during session of legislature, to be used during the fifty-eighth fiscal year, eight hundred and seventy dollars.

For repairs to capitol building and furniture (exempt from section 4 of this act), five thousand dollars.

For purchase of carpets and furniture (exempt from section 4 of this act), eleven thousand seven hundred and seventy-five dollars.

For stationery, fuel, light, supplies, etc., legislature and state officers, twenty-seven thousand nine hundred dollars.

For water for state capitol building, one thousand two hundred dollars.

For water for state capitol grounds, two thousand four hundred dollars.

For lighting the capitol grounds, one thousand seven hundred and twenty-eight dollars.

For purchase of implements and hose, care and improvement of grounds (exempt from section 4 of this act), twelve thousand dollars.

## FOR CONTROLLER'S OFFICE.

Controller.

For salary of controller, six thousand dollars.

For salary of deputy controller, four thousand eight hundred dollars.

For salary of bookkeeper, state controller's office, four thousand dollars.

For salary of expert, state controller's office, four thousand dollars.

For salaries of clerks, state controller's office, sixteen thousand dollars.

For pay of porter, state controller's office, one thousand four hundred and forty dollars.

For postage, expressage, and telegraphing, state controller's office, one thousand six hundred dollars.

For contingent and traveling expenses, state controller, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state controller, four thousand dollars.

## FOR TREASURER'S OFFICE.

Treasurer.

For salary of state treasurer, six thousand dollars.

For salary of deputy state treasurer, four thousand eight hundred dollars.

For salary of bookkeeper, state treasurer's office, four thousand dollars.

For salary of clerk, state treasurer's office, three thousand two hundred dollars.

For salaries of watchmen, state treasurer's office, nine thousand six hundred dollars.

For pay of porter, state treasurer's office, one thousand four hundred and forty dollars.

For postage, expressage, telegraphing, contingent, and traveling expenses, state treasurer, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state treasurer, one thousand dollars.

## FOR ATTORNEY-GENERAL'S OFFICE.

Attorney-general.

For salary of attorney-general, six thousand dollars.

For salary of assistant attorney-general, five thousand four hundred dollars.

For salaries of deputies attorney-general, fourteen thousand four hundred dollars.

For salaries of clerks, attorney-general's office, nine thousand six hundred dollars.

For salary of phonographic reporter, attorney-general's office, three thousand six hundred dollars.

For pay of porter, attorney-general's office at Sacramento, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, attorney-general's office, three thousand four hundred dollars.

For traveling expenses, attorney-general, one thousand dollars.

For costs and expenses of suits wherein the state is a party in interest, four thousand dollars.

For office rent of attorney-general in San Francisco, three thousand six hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the attorney-general, six thousand dollars.

For purchase of law books, one thousand dollars.

Surveyor-general.

FOR SURVEYOR-GENERAL'S OFFICE.

For salary of surveyor-general, six thousand dollars.

For salary of deputy surveyor-general, four thousand eight hundred dollars.

For salary of assistant surveyor-general, four thousand dollars.

For salaries of clerks, surveyor-general's office and register state land office, twelve thousand eight hundred dollars.

For pay of porter, surveyor-general's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, surveyor-general's office, one thousand two hundred dollars.

For contingent and traveling expenses, surveyor-general's office, seven hundred and fifty dollars.

For purchase of and copying maps, surveyor-general's office, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the surveyor-general, one thousand two hundred dollars.

For traveling expenses of surveyor-general and attorney-general when engaged in contests between the state and the United States and other state business in relation to land, five hundred dollars.

Superintendent of public instruction.

FOR OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of superintendent of public instruction, six thousand dollars.

For salary of deputy superintendent of public instruction, four thousand eight hundred dollars.

For salary of statistician, superintendent of public instruction, three thousand two hundred dollars.

For salary of clerk and stenographer, superintendent of public instruction's office, two thousand four hundred dollars.

For clerical assistance in superintendent of public instruction's office in distributing state school books, four thousand dollars.

For pay of porter, superintendent of public instruction's office, one thousand four hundred and forty dollars.



For postage, expressage, and telegraphing, superintendent of public instruction's office, two thousand four hundred dollars.

For contingent and traveling expenses (including traveling expenses under section 1532, Political Code), three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the superintendent of public instruction, twelve thousand dollars.

## FOR MILITARY PURPOSES.

Adjutant-general.

For salary of adjutant-general, six thousand dollars.

For salary of assistant adjutant-general, four thousand eight hundred dollars.

For salary of clerks, eight thousand eight hundred dollars.

For salary of military storekeeper and state armorer, two thousand four hundred dollars.

For postage, expressage, and telegraphing, adjutant-general's office, one thousand six hundred dollars.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general, five thousand dollars.

For target practice and purchase of medals, national guard, ten thousand dollars.

For allowance for brigade headquarters, national guard, four thousand six hundred dollars.

For allowance for regimental headquarters, including allowance for bands, national guard, fourteen thousand two hundred and thirty-two dollars.

For armory rents and other expenses of the national guard, one hundred and eighty thousand dollars.

For armory rents, unattached companies, national guard, fifteen hundred dollars.

For traveling expenses and per diem of officers on detail duty, national guard, six thousand dollars.

For hospital supplies, national guard, one thousand dollars.

For furnishing coal and other supplies, and for repairs to training ships, naval militia, three thousand dollars.

For purchase of uniforms, and equipments, national guard, five thousand dollars.

For encampments, national guard (exempt from section 4 of this act), fifteen thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the adjutant-general, four thousand dollars.

## FOR STATE LIBRARY.

Library.

For salary of state librarian, six thousand dollars.

For salary of two deputy state librarians, seven thousand two hundred dollars.

Superintendent of state printing.

FOR STATE PRINTING OFFICE.

For salary of superintendent of state printing, six thousand dollars.

For salary of deputy superintendent of state printing, four thousand eight hundred dollars.

For salary of copy editor for state printer, three thousand six hundred dollars.

For postage, traveling, telegraphing, and contingent expenses, one thousand dollars.

For lithographing, engraving, and half-tone plates and zincotypes, and work of like character, state printing office, five thousand dollars.

For insurance of state printing office and contents, one thousand eight hundred dollars.

For legislative printing, thirty-seventh session, five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state printer, seven hundred dollars.

Board of health.

FOR STATE BOARD OF HEALTH.

For salary of secretary to state board of health, six thousand dollars.

For salary of attorney to state and San Francisco boards of health, six thousand dollars.

For traveling and contingent expenses of state board of health, five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of health, two thousand dollars.

For salary of statistician for state board of health, three thousand six hundred dollars.

Insurance commissioner.

FOR OFFICE OF INSURANCE COMMISSIONER.

For salary of insurance commissioner, six thousand dollars.

For salary of deputy insurance commissioner, three thousand six hundred dollars.

For traveling and contingent expenses of the insurance commissioner, one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the office of insurance commissioner, two thousand five hundred dollars.

Railroad commissioners.

FOR BOARD OF RAILROAD COMMISSIONERS.

For salaries of railroad commissioners, twenty-four thousand dollars.

For salary of secretary to board of railroad commissioners, four thousand eight hundred dollars.

For salary of bailiff to board of railroad commissioners, two thousand four hundred dollars.

For salary of stenographer to board of railroad commissioners, one thousand eight hundred dollars.

For office rent, board of railroad commissioners, one thousand two hundred dollars:

For fuel, lights, postage, expressage, and incidental expenses, board of railroad commissioners, one thousand two hundred and fifty dollars.

For traveling expenses, board of railroad commissioners, seven hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for board of railroad commissioners, two thousand dollars.

FOR STATE BOARD OF EQUALIZATION.

Board of  
equaliza-  
tion.

For salaries of members of the state board of equalization, twenty-four thousand dollars.

For salary of clerk, state board of equalization, four thousand eight hundred dollars.

For pay of porter, state board of equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of equalization, eight hundred and fifty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for state board of equalization, one thousand two hundred and fifty dollars.

FOR COMMISSIONER FOR REVISION AND REFORM OF THE LAW.

Commis-  
sioner for  
revision  
and reform  
of the law.

For salary of commissioner for revision and reform of the law, seven thousand two hundred dollars.

For salary of stenographer to commissioner for revision and reform of the law, two thousand four hundred dollars.

For postage, expressage and telegraphing, office of commissioner for revision and reform of the law, two hundred and fifty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the commissioner for revision and reform of the law, one thousand dollars.

FOR CALIFORNIA REDWOOD PARK.

California  
Redwood  
Park.

For improvement and maintenance California Redwood Park, twenty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for California Redwood Park, three hundred dollars.

FOR DEPARTMENT OF HIGHWAYS.

For salary of the commissioner of the department of highways, six thousand dollars.

Depart-  
ment of  
highways.

For salary of secretary, department of highways, three thousand dollars.

For salary of stenographer, department of highways, two thousand four hundred dollars.

For pay of porter of department of highways, nine hundred and sixty dollars.

For traveling and contingent expenses, department of highways, one thousand dollars.

For improvement and maintenance of Sonora and Mono road, eight thousand dollars.

For improvement and maintenance of Mono Lake Basin road, one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the department of highways, seven hundred and fifty dollars.

Lake  
Tahoe  
wagon  
road com-  
missioner.

FOR LAKE TAHOE WAGON ROAD COMMISSIONER.

For salary of commissioner for Lake Tahoe wagon road, one thousand two hundred dollars.

For maintenance of Lake Tahoe wagon road, eight thousand dollars.

Mining  
bureau.

FOR STATE MINING BUREAU.

For salary of state mineralogist for the state mining bureau, six thousand dollars.

For support of the state mining bureau, including salaries, thirty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state mining bureau, five thousand dollars.

Commis-  
sioner of  
public  
works.

FOR COMMISSIONER OF PUBLIC WORKS.

For salary of commissioner of public works, six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the commissioner of public works, five hundred dollars.

Débris  
commis-  
sioner.

FOR DÉBRIS COMMISSIONER.

For salary of débris commissioner, one thousand two hundred dollars.

For salary of secretary to débris commissioner, six hundred dollars.

For traveling and incidental expenses of débris commissioner, six hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the débris commissioner, fifty dollars.

## FOR STATE HOSPITALS.

State  
hospitals.

For support of Stockton State Hospital, two hundred and forty thousand one hundred dollars. Stockton.

For salaries of officers and employés of Stockton State Hospital, two hundred and thirteen thousand dollars.

For support of Napa State Hospital, two hundred and thirty-seven thousand nine hundred dollars. Napa

For salaries of officers and employés of Napa State Hospital, two hundred and eleven thousand dollars.

For support of Agnews State Hospital, one hundred and eighty-two thousand dollars. Agnews.

For salaries of officers and employés of Agnews State Hospital, one hundred and fifty-nine thousand dollars.

For salary of female physician at Agnews State Hospital, three thousand dollars.

For support of Mendocino State Hospital, one hundred and twenty-eight thousand dollars. Mendocino.

For salaries of officers and employés of Mendocino State Hospital, one hundred and six thousand five hundred dollars.

For salary of female physician at Mendocino State Hospital, one thousand six hundred dollars.

For support of Southern California State Hospital, one hundred and eighty thousand dollars. Southern California.

For salaries of officers and employés of Southern California State Hospital, one hundred and twenty-three thousand dollars.

For salary of female physician at Southern California State Hospital, one thousand six hundred dollars.

For support of Home for Feeble-Minded Children, one hundred and thirty-one thousand eight hundred dollars. Feeble-Minded Children.

For salaries of officers and employés of Home for Feeble-Minded Children, one hundred thousand seven hundred and fifty-five dollars.

For salary of female physician at the Home for Feeble-Minded Children, one thousand six hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state lunacy commission, five thousand five hundred dollars. State commission in lunacy.

For support of Institution for Deaf, Dumb, and Blind at Berkeley, forty thousand nine hundred and sixty dollars. Deaf, dumb, and blind.

For salaries of officers and employés of same, ninety-one thousand two hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for Institution for Deaf, Dumb, and Blind, six hundred dollars.

For support of Home for Adult Blind, twenty-eight thousand dollars. Adult blind.

For salaries of officers and employés of same, twenty-two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the Home for Adult Blind, six hundred dollars.

State prisons.

FOR STATE PRISONS AND REFORM SCHOOLS.

San Quentin.

For support of State Prison at San Quentin, three hundred and ninety-six thousand three hundred and fifty-two dollars.

For salaries of officers and employes of same, two hundred and seven thousand nine hundred and twenty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for State Prison at San Quentin, two thousand five hundred dollars.

Folsom.

For support of State Prison at Folsom, one hundred and fifty thousand dollars.

For salaries of officers and employes of same, one hundred and forty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the State Prison at Folsom, two thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of prison directors, five hundred dollars.

Hospital for insane.

FOR HOSPITAL FOR CONVICT INSANE.

Vetoed.

For support of hospital for convict insane, six thousand dollars.

Vetoed.

For salaries of officers and employes of same, six thousand dollars.

FOR REFORM SCHOOLS.

Preston school.

For support of Preston School of Industry, sixty thousand dollars.

For salaries of officers and employes of same, fifty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for Preston School of Industry, three hundred and fifty dollars.

Whittier school.

For support of Whittier State School, one hundred and fifteen thousand dollars.

For salaries of officers and employes of same, one hundred thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the Whittier State School, three hundred and fifty dollars.

Transportation of prisoners, etc.

For transportation of prisoners to the state prisons, and children committed to the Whittier State School and Preston School of Industry and insane and feeble-minded children, one hundred and thirty-five thousand dollars.

## STATE UNIVERSITY.

University.

For support and maintenance, University of California (Act March 15, 1901), two hundred thousand dollars.

For maintenance of California Poultry Experiment Station, four thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the State University, twelve thousand dollars.

## FOR STATE NORMAL SCHOOLS.

Normal schools.

For support of State Normal School at San José, eight thousand dollars. San José.

For salaries of officers, teachers, and employés of same, ninety-eight thousand dollars.

For care and improvement of grounds, four thousand dollars.

For library, museum, and purchase of scientific apparatus, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for State Normal School at San José, one thousand dollars.

For support of State Normal School at Los Angeles, ten thousand dollars. Los Angeles.

For salaries of officers, teachers and employés of same, ninety-five thousand dollars.

For care and improvement of grounds, two thousand dollars.

For library, museum, and purchase of scientific apparatus, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for State Normal School at Los Angeles, one thousand dollars.

For support of State Normal School at Chico, five thousand five hundred dollars. Chico.

For salaries of officers, teachers, and employés of same, sixty thousand dollars.

For care and improvement of grounds, two thousand dollars.

For library, museum, and purchase of scientific apparatus, one thousand eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for State Normal School at Chico, nine hundred dollars.

For support of State Normal School at San Diego, five thousand dollars. San Diego.

For salaries of officers, teachers, and employés of same, fifty-eight thousand dollars.

For library, museum, and scientific apparatus for same, two thousand dollars.

For care and improvement of grounds of same, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for State Normal School at San Diego, nine hundred dollars.

San  
Francisco.

For support of State Normal School at San Francisco, six thousand dollars.

For salaries of officers, teachers, and employés of same, forty-eight thousand dollars.

For library, museum, and scientific apparatus for same, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for State Normal School at San Francisco, nine hundred dollars.

Polytech-  
nic school.

FOR CALIFORNIA POLYTECHNIC SCHOOL.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, twenty-two thousand three hundred dollars.

For salaries of officers, teachers, and employés, forty-one thousand dollars.

For care and improvement of grounds, five thousand dollars.

For library, one thousand dollars.

For expenses of trustees, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the California Polytechnic School, eight hundred dollars.

Bureau of  
labor  
statistics.

FOR BUREAU OF LABOR STATISTICS.

For salary of the commissioner, bureau of labor statistics, six thousand dollars.

For salary of deputy commissioner, bureau of labor statistics, three thousand six hundred dollars.

For office rent, bureau of labor statistics, one thousand two hundred dollars.

For salary of assistants, traveling and contingent expenses, bureau of labor statistics (Stats. 1889, page 7), seven thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the bureau of labor statistics, two thousand five hundred dollars.

Commis-  
sioner of  
horti-  
culture.

FOR STATE COMMISSIONER OF HORTICULTURE.

For salary of commissioner, six thousand dollars.

For salary of deputy commissioner, four thousand eight hundred dollars.

For salary of clerk, three thousand dollars.

For support and expense of state board of horticulture, fifteen thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state commissioner of horticulture, five thousand dollars.



## FOR FISH COMMISSION.

Fish  
commis-  
sioners.

For restoration and preservation of game, twenty-five thousand dollars.

For restoration and preservation of fish, twenty thousand dollars.

For support and maintenance of state hatcheries, twenty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the fish commission, one thousand four hundred dollars.

## FOR STATE BOARD OF EDUCATION.

State board  
of educa-  
tion.

For traveling expenses of state board of education, one thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of education, one hundred dollars.

## FOR VETERANS' HOME.

Veterans'  
Home.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the Veterans' Home, two hundred and fifty dollars.

## FOR STATE AGRICULTURAL SOCIETY.

Agricul-  
tural  
society.

For aid to state agricultural society; *provided*, that the state agricultural society create and maintain a statistical department for the annual collection, compilation and distribution of statistics relating to the products and resources of the state, thirty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state agricultural society, six thousand dollars.

## FOR STATE VETERINARIAN.

Veterina-  
rian.

For salary of state veterinarian, four thousand dollars.

For traveling and contingent expenses of same, two thousand dollars.

For salary and per diem and traveling expenses of assistants, four thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state veterinarian, two hundred dollars.

## MISCELLANEOUS.

For official advertising, two thousand dollars.

For maintenance of governor's residence, five thousand dollars.

For traveling expenses, joint board normal school directors, one thousand five hundred dollars.

Adver-  
tising.  
Governor's  
mansion.  
Normal  
school  
directors.

Commission of voting machines.	For actual expenses of state commission on voting or ballot machines (exempt from section 4 of this act), five hundred dollars.
Marshall monument.	For salary of guardian, Marshall monument and grounds, one thousand two hundred dollars.
Sutter's fort.	For salary of guardian of Sutter's Fort, one thousand four hundred and forty dollars.
Interest.	For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars.
Wine labels.	For pure-wine labels, three hundred dollars.
Burial grounds.	For care of state burial grounds, two hundred dollars.
Harbor commissioners, San Diego.	For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to harbor commissioners, San Diego, one hundred dollars.
Board of examiners.	For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to various officers, boards and commissions, to be expended under the direction of the state board of examiners, five thousand five hundred dollars.

## OTHER ESTIMATES.

Orphans. For orphans, half-orphans, and abandoned children as provided in an act to appropriate money for support of orphans, half-orphans, and abandoned children, approved March 25, 1880, and the amendments thereof, nine hundred and fifty thousand dollars.

How disbursed. SEC. 2. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. The sums herein appropriated for the expenses of the national guard shall be audited by the board of military auditors, as required by sections two thousand and ninety-three and two thousand and ninety-nine of the Political Code. Not more than five hundred dollars of the moneys hereby appropriated for the support of the institutions of the state shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employes, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Detailed statement to be submitted with biennial report. SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective depart-

ments and institutions have been expended, and the state board of examiners is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this act, unless authorized thereto by law.

Demands  
to be  
itemized.

SEC. 4. Not more than one twenty-fourth part of the amount appropriated under this act for each department or institution for the two years ending June thirtieth, nineteen hundred and seven, shall be expended during any one month without the consent of the state board of examiners, and not more than one half of such appropriation during the fifty-seventh fiscal year, unless the same has been expressly authorized by this act.

Monthly  
allow-  
ances.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of examiners be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said state board of examiners, nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of examiners, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

Expendi-  
tures in  
excess of  
appropria-  
tion.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of, any insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents and the pavilion of the state agricultural society.

Insurance

State printing, requisitions for approved by board of examiners.

SEC. 7. The various sums herein appropriated for printing, ruling, binding, materials and all other work provided by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of examiners, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof.

MARCH 22, 1905.

This bill, being Assembly Bill No. 1157, entitled "An act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years," is approved, with the exception of the following items, that is to say: two items on page 740, reading as follows:

"For Hospital for Convict Insane."

"For support of hospital for convict insane, six thousand dollars."

"For salaries of officers and employes of same, six thousand dollars."

I object to the foregoing items of the same and withhold my approval from them for the following reason, that is to say:

The Hospital for Convict Insane, for the construction of which an appropriation has been made, will probably not be completed until about the end of the biennial period included in the fifty-seventh and fifty-eighth fiscal years; and, therefore, it is not necessary to make appropriations at this time for the support of such hospital or for salaries of officers and employes. Therefore I disapprove of the two items of appropriation above cited, while approving all of the remainder of the bill.

GEO. C. PARDEE, Governor.

#### CHAPTER DLXIV.

*An act to amend section 160 of an act entitled "An act to establish a uniform system of county and township governments" approved April 1st, 1897 and all acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class and repealing all conflicting acts.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

County government.

SECTION 1. Section 160 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and all acts amendatory thereof, is hereby amended to read as follows:

Salaries of officers of Alameda county (3d class).

Section 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

County clerk.

1. The county clerk, four thousand (\$4,000.00) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred (\$1800.00) dollars per annum; five court-room deputies, whose salaries are hereby fixed at the sum of fifteen

Chief deputy.

Court-room deputies.

hundred (\$1500.00) dollars per annum each; one deputy, whose salary is hereby fixed at the sum of fifteen hundred (\$1500.00) dollars per annum; four deputies, whose salaries are hereby fixed at the sum of twelve hundred (\$1200.) dollars per annum each; and one copyist, whose salary is hereby fixed at the sum of twelve hundred (\$1200) dollars per annum; the chief deputy, ten deputies, and one copyist herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk, in counties of this class, shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding six months, whose salary is hereby fixed at one hundred and twenty-five (\$125.00) dollars per month; four clerks, for a period of and not exceeding four months, whose salaries are hereby fixed at one hundred (\$100.00) dollars each per month. Such clerks shall be appointed by the county clerk of such counties and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such counties.

2. The sheriff, four thousand (\$4,000) dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under sheriff, whose salary is hereby fixed at the sum of two thousand four hundred (\$2,400) dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of eighteen hundred (\$1800) dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred (\$1500.) dollars per annum; two assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred (\$1200.) per annum each; five bailiffs, whose salaries are hereby fixed at the sum of twelve hundred (\$1200.) dollars per annum each; one office deputy, whose salary is hereby fixed at the sum of twelve hundred (\$1200.) dollars per annum; one matron for the jail, whose salary is hereby fixed at the sum of six hundred (\$600.) dollars per annum; and one stenographer, whose salary is hereby fixed at the sum of six hundred (\$600.) dollars per annum; the under sheriff, bookkeeper, chief jailer, office deputies, assistant jailers, bailiffs, matron for jail, and stenographer, herein provided for shall be appointed by the sheriff; and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; *provided*, that in counties of this class the sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the county auditor, a verified statement, showing the names of persons and

Deputies.

Clerks.

Sheriff.

Under  
sheriff.Book-  
keeper.

Jailers.

Bailiffs.

Office  
deputy.

Matron.

Stenogra-  
pher.Feeding  
prisoners.

- amounts paid to each for expense of feeding such prisoners, and the sheriff shall thereupon pay over to the county treasurer, for the use of the county, any difference between the amount allowed for such purpose by the supervisors and the amount actually expended by him therefor. The sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals within his county, and the same shall be a charge against the county and allowed as such by the board of supervisors, and paid as other county charges are paid.
- Necessary expenses.** Recorder. 3. The recorder, four thousand (\$4000) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder in such county, and shall be paid salaries and compensations as follows: One chief deputy, at a salary of eighteen hundred (\$1800) dollars per annum; one index deputy, whose salary is hereby fixed at fifteen hundred (\$1500) dollars per annum; three deputies, whose salaries are hereby fixed at twelve hundred (\$1200) dollars per annum each; and one mortgage deputy, whose salary is hereby fixed at twelve hundred (\$1200) dollars per annum; *provided further*, that the chief deputy, index deputy, three deputies, and one mortgage deputy herein provided for shall be appointed by the recorder of said county, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office, not exceeding eight cents per folio for each paper or document so recorded; *and provided further*, that said recorder shall file monthly, with the county auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.
- Recording.** Auditor. 4. The auditor, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be appointed by the auditor of such county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and such additional assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of one thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided
- Deputies.**
- Clerk.**

for shall be paid by the said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sum shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the treasurer; *provided*, that the chief deputy and the deputy herein provided for, shall be appointed by the treasurer of such county.

Treasurer.  
Deputies.

6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, three deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars each per annum, and one stenographer whose salary is hereby fixed at the sum of six hundred (\$600) dollars per annum; *provided further*, that there shall be and there hereby is allowed to the tax collector not to exceed two extra deputy for the month of April of each year, whose salaries shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and seven extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and not to exceed twelve extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; *provided further*, that the chief deputy, the stenographer, and all other deputies herein provided for, shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the tax collector.

Tax collector.  
Deputies.

Stenographer.

Extra deputies.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

License collector.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor, at twenty-four hundred dollars per annum; one deputy assessor, at

Assessor.

Deputies.

fifteen hundred dollars per annum; one mortgage deputy assessor, at twelve hundred dollars per annum; one transfer deputy assessor, at twelve hundred dollars per annum; seven outside field deputy assessors, at one hundred and twenty-five dollars each per month not exceeding six months in any one year; one stenographer, at six hundred dollars per annum; six field deputy assessors, for not exceeding four months in any one year, at one hundred dollars each per month; one cashier, for not exceeding seven months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists, for not exceeding four months in any one year, at a salary of one hundred dollars each per month; five extra deputy assessors, for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of forty-five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *it is hereby further provided*, that in counties of this class the assessor shall receive commissions for his collections of taxes on personal property, and such assessor shall receive compensation or commission for the collection of poll taxes or road poll taxes, but the said assessor shall not receive compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing such maps, plats or block books or assessment rolls; *and provided further*, that, he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each, for such maps, plats or block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such cost and the amount allowed him for such work.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one chief deputy district attorney, whose salary is hereby fixed at two thousand dollars per annum; three deputy district

Field assessors.

Stenographer.

Cashier.

Copyists.

Extra deputies.

Commissions.

Preparation of maps, etc.

District attorney.

Deputies.



attorneys, whose salaries are hereby fixed at fifteen hundred dollars per annum each; and one clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; *provided further*, that the chief deputy district attorney, and three deputy district attorneys, and clerk shall be appointed by the district attorney and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney; *provided further*, that in counties of this class there shall be and there hereby is allowed to the district attorney a stenographer whose salary is hereby fixed at the sum of nine hundred dollars per annum; and for the purpose of assisting the district attorney in the detection of crime and the prosecution of criminal cases and in civil actions and proceedings and all matters in which the county is interested, there is allowed to the district attorney a detective, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided further*, that the stenographer and detective shall be appointed by the district attorney, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the district attorney; *provided further*, that the provisions of this subdivision of this section of this act with reference to the stenographer shall be in force and effect on and after twelve o'clock meridian of the first Monday in January, nineteen hundred and seven; *provided further*, that the provisions of this subdivision of this section of this act with reference to the detective shall be in force and effect from and after its passage.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided*, that the coroner shall be paid by such counties in the same manner and out of the same fund as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The county superintendent of schools, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the county superintendent of schools, one assistant superintendent of schools, and one deputy, who shall be appointed by the county superintendent of schools of said county and whose salaries shall be as follows: The salary of the assistant shall be one hundred dollars per month, that of the deputy shall be one hundred dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the county superintendent of schools is paid.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the surveyor is directed

Clerk.

Stenographer.

Detective.

Coroner; fees.

Public administrator; fees.  
Superintendent of schools.Assistant.  
Deputy.

Surveyor

Preparation of maps.

or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such county surveyor shall file with the county auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

Justices of the peace.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nineteen thousand, two hundred and twenty-five dollars; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifteen dollars; in townships having a population of one thousand and less than fifteen thousand, seventy-five dollars. In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided*, that in townships containing a population of more than twenty-five thousand there shall be but one justice in and for such townships. Each justice of the peace must keep a book, open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury, or city treasury, as provided by law.

Constables.

15. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of more than nineteen thousand and less than twenty-five thousand, ninety dollars; in townships having a population of fifteen thousand and less than nineteen thousand, eighty dollars; in townships having a population of one thousand and less than fifteen thousand, eighty-five dollars; *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and

retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

16. Each supervisor, one hundred and twenty-five dollars per month, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

#### CHAPTER DLXV.

*An act to repeal section six hundred and forty-eight and a half of the Civil Code and to add a new section thereto to be numbered six hundred and thirty-eight a, all relating to land and building corporations.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered six hundred and thirty-eight a, and to read as follows:

638a. A stockholder desiring to withdraw from the association or to surrender a part or all of his stock may do so by giving thirty days' notice, in writing, of his intention. On the expiration of such notice, he is entitled to receive the full amount paid in upon the stock surrendered, together with such proportion of the earnings thereon as the by-laws may provide, or as may be fixed by the board of directors; but not more than one half of the monthly receipts in any one month must be applied to withdrawals for that month, without the consent of the board of directors, and no stockholder must be permitted to withdraw whose stock is pledged to the association as security for a loan until such loan is fully paid. Such withdrawals must be paid in succession in the order that the notices of intention are given.

SEC. 2. Section six hundred and forty-eight and a half of said code is hereby repealed.

## CHAPTER DLXVI.

*An act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term boulevard.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Boulevard  
districts,  
formation  
of.

SECTION 1. Any portion of a county not contained in a boulevard district may be formed into a boulevard district under the provisions of this act, and when so formed shall be known and designated by the name and style of— — — boulevard district (using the name of the district), of— — — county (using the name of the county in which said district is located), and shall have the rights herein enumerated and such as may hereafter be conferred by law.

Petition.

SEC. 2. A petition for the formation of such boulevard district (naming it) may be presented to the board of supervisors of the county wherein the district is proposed to be formed, which said petition shall be signed by not less than twenty-five freeholders, resident within the proposed district, and shall contain—

Contents of  
petition.

- (1) The boundaries of the proposed district.
- (2) The number of acres contained therein and the approximate value thereof and of the improvements thereon.
- (3) A particular description of the boulevard which it is desired to lay out, open and construct.

(4) A request that an election be called within said district for the purpose of determining the question of the formation of said boulevard district and the building of the boulevard described in said petition. Such petition must also be accompanied by a map showing the location of said boulevard, and of said district with relation to the territory immediately contiguous thereto; also with a cross-section and profile of said proposed boulevard, together with specifications for the construction thereof, which said map shall be approved as to location of the boulevard and said cross-section, profile and specifications, as to manner of construction, by the county surveyor of the county in which said proposed district is located. There shall also be filed with said board of supervisors, at the time said petition is presented, a bond in the sum of not more than three hundred dollars, with two sufficient sureties, to be approved by said board, who shall each qualify in double the amount of the penal sum thereof, conditioned that they will pay the expense and cost of said election in an amount not exceeding the amount mentioned in said bond, as the penal sum thereof, in case such election shall fail to carry.

SEC. 3. Such petition must be presented at a regular meeting of said board of supervisors and they shall thereupon fix a time for hearing said petition, not less than twenty-one nor more than thirty days after the date of presentation thereof, and shall publish a notice of the fact that such petition has been filed (referring to the same on file with the clerk of the board of supervisors for further particulars) and giving the date and hour at which said petition will be heard, which said notice shall be published at least once a week for two consecutive weeks in some newspaper published and circulated in said proposed district; *provided*, that, if no newspaper be so published in said district, then said notice shall be so published in some newspaper published and circulated in the county in which said proposed district is located.

Presentation of petition.

Publication of notice.

SEC. 4. Upon the day named for the hearing of said petition, the board of supervisors shall hear the same and may adjourn such hearing from time to time, not more than two weeks in all. On the final hearing; they shall make such changes in the proposed boundaries as they may find to be proper, and shall define and establish such boundaries. Any change made by the board of supervisors shall not include any territory outside of the boundaries described in the petition until the board has given at least two weeks' notice of its intention to include such territory in said district, said notice to be given and published as herein provided for the notice of the hearing of said petition.

Hearing of petition.

SEC. 5. The boundaries established by the board of supervisors shall be the boundaries of such boulevard district until the same shall be changed in the manner provided by law. But if it shall appear to the board that the boundaries of any such division have been incorrectly described, it shall direct the county surveyor to ascertain and report the correct description of the boundaries, in conformity with the orders of said board of supervisors, which said report must be filed within thirty days from the day of the making of such order. At the first regular meeting after the filing of said report, the board of supervisors shall ratify the same, with such modifications as they deem necessary, and the boundaries so established shall be the legal boundaries of such boulevard district.

Boundaries established.

Duty of county surveyor.

Ratification of report.

SEC. 6. The board of supervisors thereupon, and not later than the first regular meeting after the establishment of said boundaries as hereinbefore provided, shall give notice of an election to be held in such proposed boulevard district for the purpose of determining whether such district shall be formed and said boulevard built as in said petition, maps, cross-sections, profiles and specifications described.

Election, notice of.

SEC. 7. Such notice must specify the time and place or places of holding the election, the amount of money proposed to be raised, and the purposes for which it is to be used, including a brief description of the proposed work and materials to be used, and referring to the map, profiles, cross-sections and specifications on file with the clerk of the board of supervisors.

Contents of notice.

Precincts,  
and officers  
of election.

SEC. 8. For the purposes of this election the board of supervisors shall establish, by order, one or more precincts within the boundaries of said district, and appoint one inspector, one judge and one clerk for each, to conduct the same, and said election must be held in all respects as near as practicable in conformity with the general election laws of the state. At such election the ballots shall contain the words "For the formation of said district and the construction of said boulevard—Yes, No," together with a square at the right of the word "Yes" and at the right of the word "No" in which the voter may stamp his ballot to indicate his choice. But no particular form of ballot other than above set forth need be used; nor shall any informality in conducting said election invalidate the same if the election shall have been otherwise fairly conducted.

Ballots  
shall con-  
tain, what.

Certificate  
of result.

SEC. 9. The officers of the election must certify the result of the election to the board of supervisors, giving the whole number of votes cast, the number for and the number against the formation of said boulevard district and the building of said boulevard, and if the majority of the votes cast are in favor of same, the board of supervisors must enter an order to that effect upon its minutes, declaring said district formed and that said boulevard shall be built, and the amount to be raised by taxation on the taxable property within said district, which said amount shall be in the aggregate not exceeding seventy-five per cent of the estimated cost of acquiring the right of way therefor and constructing said boulevard, as found in the estimates to be furnished by the county surveyor of said county; the balance, twenty-five per cent, to be paid out of the general road fund of the county; and the board of supervisors shall, at the time of fixing the amount of the county tax levy, levy a tax upon the taxable property in said district sufficient to pay said amount.

Tax.

Levy of  
tax.

Bids.

SEC. 10. The work provided for in this act to be done shall be by law contracted to the lowest responsible bidder in accord with the provisions of section 2643 of the Political Code of California. The successful bidder shall give a bond in such sum as the board of supervisors shall provide, conditioned for the faithful performance of the contract, together with any and all bonds required by law for public work. The work done under said contract to be performed under the direction and to the satisfaction of the surveyor of the county in which said boulevard district is located.

Bond of  
bidder.

Work to be  
done  
under su-  
pervision  
of sur-  
veyor.

Unex-  
pended  
money.

SEC. 11. Any money remaining to the credit of the boulevard district on the completion of the work contracted for, with any and all gifts and donations thereto, shall remain in the fund of the district and be expended in the betterment of said boulevard. The maintenance of the same, after the completion thereof, to be paid out of the general road fund of the county; *provided*, that the board of supervisors of the county in which said boulevard district is located may, as now or hereafter provided by law, arrange with the department of highways or other lawful authority to turn said boulevard

Main-  
tenance.

Turned  
over to  
state,  
when

over to the State of California, and it shall thereafter be kept and maintained as a state boulevard out of the funds provided by law for state highway purposes, but subject at all times nevertheless to the limitations as to the use thereof hereinafter provided.

SEC. 12. By the term "boulevard" as used herein is meant a highway of limited dedication and use, not less than one hundred feet in width and upon which no wagon for heavy teaming, having a tire of less than four inches, shall be permitted, and upon, along and over which no franchise for telephone, telegraph or electric wires or poles or for the operation or running of cars or vehicles upon fixed tracks or rails thereon shall ever be granted; and any easement granted or condemned for the building of said boulevard shall be so granted or condemned; *provided*, that nothing herein shall be deemed to apply to or preventing the granting of such franchise or limiting the use of wagons across said boulevard, on, over and along intersecting streets and highways.

Term  
"boulevard"  
defined.

SEC. 13. All provisions of the law of the State of California relating to streets and highways, including the right of eminent domain, save only section 2 of an act of the legislature of the State of California entitled "An act to repeal chapter two of title six, part three, of an act of the legislature of the State of California, entitled 'An act to establish a Political Code,' approved March 12, 1872, and each and every section of said chapter two. And to enact a new chapter two of title six of part three of said code and substitute the same in place of said repealed chapter two in said code, relating to roads and highways," approved February 28, 1883, and also an act of the legislature of the State of California entitled "An act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved April 1, 1897, not in conflict herewith are hereby made applicable to the opening, laying out and maintaining of boulevards constructed hereunder and the acquiring of rights of way therefor.

Applica-  
tion of  
street laws.

SEC. 14. The board of supervisors of the county in which said boulevard district is located shall have sole control of the management and affairs of said boulevard district.

Control of  
boulevard.

## CHAPTER DLXVII.

*An act to amend section three hundred and eighty-four of the Penal Code and to add two new sections thereto, to be numbered three hundred and eighty-four a and three hundred and eighty-four b, all relating to the preventing of fires.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and eighty-four of the Penal Code is hereby amended to read as follows:

Crimes  
against  
public  
safety.

Setting fire to woods, grain, etc.

**384.** Every person who willfully or negligently sets on fire, or causes or procures to be set on fire, any woods, prairies, grasses, or grain, on any lands not his own, is guilty of a misdemeanor, and punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both.

**SEC. 2.** A new section is hereby added to said code, to be numbered three hundred and eighty-four *a*, and to read as follows:

Keeping fires within certain limits.

**384a.** Every person who starts a fire in hay, grain, stubble, grass, weeds, or woodland, without first carefully providing by plowing or otherwise, for the keeping of such fire within and upon the premises upon which it is started or set, whereby any property of an adjoining or contiguous resident or owner is injured or destroyed, is guilty of a misdemeanor.

**SEC. 3.** A new section is hereby added to said code, to be numbered three hundred and eighty-four *b*, and to read as follows:

Camp fire.

**384b.** Every person who, upon departing from a camp or camping place, willfully or negligently leaves fire burning or unextinguished, is guilty of a misdemeanor.

## CHAPTER DLXVIII.

*An act to amend sections two hundred and seventy and two hundred and seventy-two of the Penal Code, and to add new sections thereto to be numbered two hundred and seventy-one a, two hundred and seventy-three, two hundred and seventy-three a, two hundred and seventy-three b, two hundred and seventy-three c, two hundred and seventy-three d, and two hundred and seventy-three e, and to repeal section thirteen hundred and eighty-nine thereof, all relating to crimes against children.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Abandonment and neglect of children.

**SECTION 1.** Section two hundred and seventy of the Penal Code is hereby amended to read as follows:

Omitting to provide food and shelter.

**270.** A parent who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his child, is guilty of a misdemeanor.

**SEC. 2.** A new section is hereby added to said code to be numbered two hundred and seventy-one *a*, and to read as follows:

Penalty for abandonment.

**271a.** Every person who knowingly and willfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of fourteen years, or who falsely, knowing the same to be false, represents to any



manager, officer, or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into such asylum or institution application is made is an orphan, is guilty of a misdemeanor.

False  
representation.

SEC. 3. Section two hundred and seventy-two of said code is hereby amended to read as follows:

272. Any person, whether as parent, relative, guardian, employer, or otherwise, having the care, custody, or control of any child under the age of sixteen years, who exhibits, uses, or employs, or in any manner, or under any pretense, sells, apprentices, gives away, lets out, or disposes of any such child to any person, under any name, title, or pretense, for or in any business, exhibition, or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever, or for or in any obscene, indecent or immoral purposes, exhibition, or practice whatsoever, or for or in any mendicant or wandering business whatsoever, or who causes, procures, or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child, as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music; or the employment of any child as a musician at any concert or other musical entertainment, on the written consent of the mayor of the city or president of the board of trustees of the city or town where such concert or entertainment takes place.

Person  
selling,  
apprentic-  
ing, etc.,  
children.

SEC. 4. A new section is hereby added to said code to be numbered two hundred and seventy-three and to read as follows:

273. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody, any child under the age, and for any of the purposes mentioned in the preceding section, is guilty of a like offense, and punishable by a like punishment as therein provided.

Person  
receiving,  
hiring,  
etc., chil-  
dren.

SEC. 5. A new section is hereby added to said code to be numbered two hundred and seventy-three *a*, and to read as follows:

273*a*. Any person who willfully causes or permits any child to suffer, or who inflicts thereon unjustifiable physical pain or mental suffering, and whoever, having the care or custody of any child, causes or permits the life or limb of such child to be endangered, or the health of such child to be injured, and any person who willfully causes or permits such child to be placed in such situation that its life or limb may be endangered, or its health likely to be injured, is guilty of a misdemeanor.

Unjustifi-  
able pun-  
ishment  
causing  
child to  
suffer.

SEC. 6. A new section is hereby added to said code to be numbered two hundred and seventy-three *b*, and to read as follows:

Child not to be confined.

273*b*. No child under the age of sixteen years must be placed in any prison, or place of confinement, or in any court-room, or in any vehicle for transportation to any place, in company with adults charged with or convicted of crime, except in the presence of a proper official.

SEC. 7. A new section is hereby added to said code to be numbered two hundred and seventy-three *c*, and to read as follows:

Fines, how appropriated.

273*c*. All fines, penalties, and forfeitures imposed and collected under the provisions of the five preceding sections, or under the provisions of any law relating to, or affecting, children, in every case where the prosecution is instituted or conducted by a society incorporated under the laws of this state for the prevention of cruelty to children, inure to such society in aid of the purposes for which it is incorporated.

SEC. 8. A new section is hereby added to said code to be numbered two hundred and seventy-three *d*, and to read as follows:

Court may commit child to charitable institution.

273*d*. When, upon examination before a court or magistrate, it appears that any child under the age of sixteen years has been found begging, whether actually begging or under the pretext of selling anything, or wandering and not having any settled place of abode, or proper guardianship, or visible means of subsistence; or destitute, or frequenting the company of reputed thieves, or prostitutes or houses of prostitution or assignation, dance houses, concert saloons, theaters, or places where spirituous liquors are sold; or engaged in any business, exhibition, or vocation mentioned in section two hundred and seventy-two; or in the custody of any person convicted of a criminal assault upon it; the court or magistrate may, when it deems it expedient for the welfare of such child, commit it to an orphan asylum, society for the prevention of cruelty to children, or other charitable institution, or make such other disposition thereof as now is or may hereafter be provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children.

SEC. 9. A new section is hereby added to said code to be numbered two hundred and seventy-three *e*, and to read as follows:

Minor not to deliver messages, etc., to certain places.

273*e*. Every telephone, special delivery company or association, and every other corporation or person engaged in the delivery of packages, letters, notes, messages, or other matter, and every manager, superintendent, or other agent of such person, corporation, or association, who sends any minor in the employ or under the control of any such person, corporation, association, or agent, to the keeper of any house of prostitution, variety theater, or other place of questionable repute, or to any person connected with, or any inmate of, such house, theater, or other place, or who permits such

minor to enter such house, theater, or other place, is guilty of a misdemeanor.

SEC. 10. Section thirteen hundred and eighty-nine of said code is hereby repealed.

Section  
1889  
repealed.

## CHAPTER DLXIX.

*An act to amend sections eleven hundred and seventy-one, eleven hundred and seventy-four and eleven hundred and seventy-six of the Penal Code, all relating to bills of exception in criminal cases.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and seventy-one of said code is hereby amended to read as follows:

1171. When the defendant desires to have exceptions taken at the trial settled in a bill of exceptions, the draft of a bill must be prepared by him, and presented to the judge for settlement within ten days after judgment has been entered against him, or, if the judge is absent from the county, or ill, so that such presentation can not be made, the draft must, within that period, be delivered to the clerk for the judge. Notice in writing of the intended presentation of such draft to the judge, or of the delivery thereof to the clerk, must be served upon the district attorney at least two days before such presentation or delivery. When received by the clerk, he must note thereon the date of such receipt, and transmit or deliver the same to the judge at the earliest period practicable. The judge must, immediately upon the draft being presented or delivered to him, designate a time for the settlement of the bill, and, if the parties are not present, require the clerk to notify them in writing of such date. The time so fixed must not be changed for inconvenience to a party, except upon good cause, shown by affidavit of necessity therefor. When settled and engrossed, the bill must be signed by the judge and filed with the clerk.

Bills of  
exceptions.

When to  
be settled  
and  
signed.

SEC. 2. Section eleven hundred and seventy-four of said code is hereby amended to read as follows:

1174. When a party desires to have an exception mentioned in the last two sections settled in a bill of exceptions, the draft of a bill must, within ten days after the order or ruling complained of is made, be prepared and presented or delivered by him on notice as provided in section eleven hundred and seventy-one, and thereupon the same proceedings must be had for the settlement of such proposed bill in all respects as are provided in the last mentioned section. The time specified in this section and section eleven hundred

How to be  
settled.

and seventy-one, within which the draft of a bill of exceptions must be presented to the judge or delivered to the clerk, may be extended for a reasonable period by the trial judge, or, in his absence from the county or inability to act, by a justice of the supreme court, but only for good cause and upon affidavit showing the necessity therefor, presented upon written notice of at least two days to the adverse party, who shall have the right to file counter affidavits. In no case can the time be extended by stipulation of the parties. If the judge in any case refuses to allow an exception in accordance with the facts, the party desiring the bill settled may apply by petition to the supreme court to prove the same, such application to be made in the mode and manner and under such regulations as that court may prescribe; and the bill when proven must be certified by the chief justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed it has the same force and effect as if settled by the judge who tried the cause. If the judge who presided at the trial ceases to hold office before the bill is tendered or settled, he may nevertheless settle such bill, or the party may, as provided in this section, apply to the supreme court to prove the same.

SEC. 3. Section eleven hundred and seventy-six of said code is hereby amended to read as follows:

Written charges need not be excepted to.

1176. When written instructions have been presented, and given, modified, or refused, or when the charge of the court has been taken down by the reporter, the questions presented in such instructions or charge need not be excepted to or embodied in a bill of exceptions; but the judge must make and sign an indorsement upon such instructions, showing the action of the court thereon, and certify to the correctness of the reporter's transcript of the charge; and thereupon the same, with the indorsements, become a part of the record, and any error in the action of the court thereon may be reviewed on appeal in like manner as if presented in a bill of exceptions.

## CHAPTER DLXX.

*An act to amend sections eight hundred and seventy-two and eight hundred and eighty-two of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Examination of cases.

SECTION 1. Section eight hundred and seventy-two of the Penal Code is hereby amended to read as follows:

872. If, however, it appears from the examination that a public offense has been committed, and there is sufficient cause to believe the defendant guilty thereof, the magistrate must make or indorse on the complaint an order, signed by him, to the following effect: "It appearing to me that the offense in the within complaint mentioned (or any offense, according to the fact, stating generally the nature thereof), has been committed, and that there is sufficient cause to believe the within named A. B. guilty thereof, I order that he be held to answer to the same."

Defendant,  
when and  
how com-  
mitted

SEC. 2. Section eight hundred and eighty-two of said code is hereby amended to read as follows:

882. When, however, it satisfactorily appears by examination, on oath of the witness, or any other person, that the witness is unable to procure sureties, he may be forthwith conditionally examined on behalf of the people. Such examination must be by question and answer, in the presence of the defendant, or after notice to him, if on bail, and conducted in the same manner as the examination before a committing magistrate is required by this code to be conducted, and the witness thereupon discharged; and such deposition may be used upon the trial of the defendant, except in cases of homicide, under the same conditions as mentioned in section thirteen hundred and forty-five; but this section does not apply to an accomplice in the commission of the offense charged.

Witness  
unable to  
give se-  
curity may  
be condi-  
tionally  
examined.

## CHAPTER DLXXI.

*An act to amend sections eleven hundred and ninety-one, twelve hundred and one, twelve hundred and six, and twelve hundred and seven of the Penal Code, all relating to judgments in criminal cases.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and ninety-one of the Penal Code is hereby amended to read as follows:

The judg-  
ment.

1191. After a plea or verdict of guilty, or after a verdict against the defendant on the plea of a former conviction or acquittal, if the judgment is not arrested or a new trial granted, the court must appoint a time for pronouncing judgment, which, in cases of felony, must be at least two days after the verdict.

Appoint-  
ing time  
for judg-  
ment.

SEC. 2. Section twelve hundred and one of said code is hereby amended to read as follows:

What causes may be shown against judgment.

1201. He may show, for cause against the judgment:

1. That he is insane; and if, in the opinion of the court, there is reasonable ground for believing him insane, the question of insanity must be tried as provided in chapter six, title ten, part two of this code. If, upon the trial of that question, the jury finds that he is sane, judgment must be pronounced, but if they find him insane, he must be committed to the state hospital for the care and treatment of the insane, until he becomes sane; and when notice is given of that fact, as provided in section one thousand three hundred and seventy-two, he must be brought before the court for judgment;

2. That he has good cause to offer, either in arrest of judgment or for a new trial; in which case the court may, in its discretion, order the judgment to be deferred, and proceed to decide upon the motion in arrest of judgment or for a new trial.

SEC. 3. Section twelve hundred and six of said code is hereby amended to read as follows:

Judgment to pay fine constitutes a lien.

1206. A judgment that a defendant pay a fine with or without the alternative of imprisonment constitutes a lien in like manner as a judgment for money rendered in a civil action.

SEC. 4. Section twelve hundred and seven of said code is hereby amended to read as follows:

Entry of judgment.

1207. When judgment upon a conviction is rendered, the clerk must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any, and must, within five days, annex together and file the following papers, which constitute a record of the action:

1. The indictment or information, and a copy of the minutes of the plea or demurrer;

2. A copy of the minutes of the trial;

3. The written instructions given, modified, or refused, with the indorsements thereon, and the certified transcript of the charge of the court; and,

4. A copy of the judgment.

## CHAPTER DLXXII.

*An act to add a new section to the Penal Code to be numbered three hundred and forty-seven a, relating to the sale of poisons.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Injuries to persons.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred and forty-seven a, and to read as follows:

347a. No person must retail any arsenic, corrosive sublimate, hydrocyanic acid, cyanide of potassium, strychnia, essential oil of bitter almonds, opium, aconite, belladonna, conium, nux vomica, henbane, tansy, savin, ergot, cottonroot, digitalis, chloroform, chloral hydrate, or any preparation, compound, salt, extract or tincture, of such substances, except preparations of opium containing less than two grains to the fluid ounce, white precipitate, red precipitate, red and green iodides of mercury, colchicum, cantharides, oxalic acid, croton oil, sulphate of zinc, sugar of lead, carbolic acid, sulphuric acid, muriatic acid, nitric acid, phosphorus, or any preparation, compound, salt, extract, or tincture, of such substances, without first distinctly labeling the bottle, box, vessel, or package, and the wrapper or cover thereof in which such substance is contained, with the common or usual name thereof, together with the word "poison," and the name and place of business of the seller. Nor must any such sale be made to any person, unless it is found, on due inquiry, that he is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor must any person retail any of such substances, unless, before delivering the same, he makes, or causes to be made, in a book kept for that purpose only, an entry stating the date of the sale, the name and address, of the purchaser, the name and quantity of the substance sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser. Such book must always be open to inspection by the proper authorities. A person dispensing any of the substances enumerated must ascertain, by due inquiry, whether the name and address given by the person receiving the same are his true name and address, and for that purpose may require such person to be identified. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Nothing in this section contained applies to the prescriptions of any physician authorized to practice medicine under the laws of this state.

Poisonous substance, how sold and labeled.

To whom sold.

Entry of sale to be made.

Penalty.

Not to apply to prescriptions

## CHAPTER DLXXIII.

*An act to amend sections three hundred and seventy-four, three hundred and seventy-six, three hundred and eighty-three and three hundred and eighty-four of the Penal Code, to renumber sections four hundred, as approved March 30, 1874, four hundred and two and a quarter, four hundred and two and a half and four hundred and two and three quarters thereof, and to add new sections thereto to be numbered three hundred and sixty-nine a, three hundred and sixty-nine d, three hundred and sixty-nine e, three hundred and sixty-nine f, three hundred and sixty-nine g, three hundred and seventy-five a, three hundred and eighty-three a, four hundred and one a, and four hundred and two d, all relating to crimes against public health and safety.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Crimes against public health and safety.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered three hundred and sixty-nine *a*, and to read as follows:

Street cars and dummies to be supplied with proper brakes and fenders.

369*a*. Any person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within the state, for the conveyance of passengers, propelled by means of wire ropes attached to stationary engines, or by electricity or compressed air, who runs, operates, or uses any car or dummy, unless each car and dummy, while in use, is fitted with a brake capable of bringing such car to a stop within a reasonable distance, and a suitable fender, or appliance placed in front or attached to the trucks of such dummy or car, for the purpose of removing and clearing obstructions from the track, and preventing any obstacles, obstructions, or person on the track from getting under such dummy or car, and removing the same out of danger, and out of the way of such dummy or car, is guilty of a misdemeanor. Where the board of supervisors of any county, or the city council or other governing body of any city, by ordinance, order, or resolution, prescribes the fender or brake to be used as aforesaid, then a compliance with such ordinance, order, or resolution must be deemed a full compliance with the provisions of this section.

SEC. 2. A new section is hereby added to said code, to be numbered three hundred and sixty-nine *d*, and to read as follows:

Closing of gates at railroad crossings.

369*d*. Any person who enters upon or crosses any railroad, at any private passway, which is inclosed by bars or gates, and neglects to leave the same securely closed after him, is guilty of a misdemeanor.



SEC. 3. A new section is hereby added to said code, to be numbered three hundred and sixty-nine *e*, and to read as follows:

369*e*. Any person who leads, drives, or conducts any beast along the track of a railroad, except where the railroad is built within the limits of a public highway, or who places, or having the right to prevent it, suffers any animal to be placed within the fences thereof for grazing or other purposes, is guilty of a misdemeanor.

Animals feeding along railroad tracks.

SEC. 4. A new section is hereby added to said code to be numbered three hundred and sixty-nine *f*, and to read as follows:

369*f*. Any person employed upon any railroad as engineer, conductor, baggage-master, brakeman, switchman, fireman, bridge-tender, flagman, or signalman, or having charge of the regulation or running of trains upon such railroad, in any manner whatever, who becomes or is intoxicated while engaged in the discharge of his duties, is guilty of a misdemeanor; and if any person so employed as aforesaid, by reason of such intoxication, does any act, or neglects any duty, which act or neglect causes the death of, or bodily injury to, any person or persons, he is guilty of a felony.

Railroad employe intoxicated while on duty.

SEC. 5. A new section is hereby added to said code, to be numbered three hundred and sixty-nine *g*, and to read as follows:

369*g*. Any person who rides, drives, or propels any vehicle upon and along the track of any railroad, through or over its private right of way, without the authorization of its superintendent or other officer in charge thereof, is guilty of a misdemeanor.

Driving vehicles along track of railroad.

SEC. 6. Section three hundred and seventy-four of said code is hereby amended to read as follows:

374. Every person who puts the carcass of any dead animal, or the offal from any slaughter-pen, corral, or butcher shop, into any river, creek, pond, reservoir, stream, street, alley, public highway, or road in common use, or who attempts to destroy the same by fire within one fourth of a mile of any city, town, or village, except it be in a crematory, the construction and operation of which is satisfactory to the board of health of such city, town, or village; and every person who puts any water-closet or privy, or the carcass of any dead animal, or any offal of any kind, in or upon the borders of any stream, pond, lake, or reservoir from which water is drawn for the supply of the inhabitants of any city, city and county, or any town in this state, so that the drainage from such water-closet, privy, carcass, or offal may be taken up by or in such stream, pond, lake, or reservoir; or who allows any water-closet or privy, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake or reservoir within the boundaries of any land owned or occupied by him, so that the drainage from such water-closet,

Deposit of dead animals in streets, rivers, etc.

privy, carcass, or offal may be taken up by or in such stream, pond, lake, or reservoir; or who keeps any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, so that the waters thereof become polluted by reason thereof; or who bathes in any such stream, pond, lake, or reservoir; or who by any other means fouls or pollutes the waters of any such stream, pond, lake, or reservoir, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section three hundred and seventy-seven.

SEC. 7. A new section is hereby added to said code to be numbered three hundred and seventy-five *a*, and to read as follows:

Record of  
sale of  
explosives.

375*a*. It is the duty of each and every person, association, joint stock company, and corporation, manufacturing, storing, selling, transferring, disposing of, or in any manner dealing in, or with, or using, or giving out nitro-glycerine, dynamite, vigorite, hercules powder, giant powder, or other high explosive, by whatever name known, to keep at all times an accurate journal, or book of record, in which must be entered, from time to time, as it is made, each and every sale, delivery, transfer, gift, or other disposition made by such person, firm, association, joint stock company, or corporation, in the course of business or otherwise, of any quantity of such explosive substance. Such journal or record book must show, in a legible handwriting, to be entered therein at the time, a complete history of each transaction, stating the name and quantity of the explosive sold, delivered, given away, transferred, or otherwise disposed of; the name, place of residence, or business of the purchaser, or transferee; the name of the individual to whom delivered, with his or her address, with a description of such individual sufficient for identification. Such journal or record book must be kept by the person, firm, association, joint stock company, or corporation so selling, delivering, or otherwise disposing of such explosive substance, or substances, in his or their principal office or place of business at all times subject to the inspection and examination of the peace officers, or other police authorities of the state, county, or municipality where the same is situated, on proper demand made therefor. Any failure or neglect to keep such book, or to make the proper entries therein at the time of the transaction, as herein provided, or to exhibit the same to the peace officers or other police authorities on demand, is deemed a misdemeanor, and punishable accordingly. In addition to such punishment, and as a cumulative penalty, such person, firm, association, joint stock company, or corporation so offending, shall forfeit, for each offense, the sum of two hundred and fifty dollars, to be recovered in any court of competent jurisdiction. The party instituting an action for such forfeiture shall not be entitled to dismiss the same

Record  
must show.

Punish-  
ment.

without consent of the court before which the suit has been instituted. Nor shall any judgment recovered be settled, satisfied, or discharged, save by order of such court, after full payment into court, and all moneys so collected must be paid to the party bringing the suit.

SEC. 8. Section three hundred and seventy-six of said code is hereby amended to read as follows:

376. Every master of a vessel subject to quarantine or visitation by the quarantine officer, who refuses or omits:

Violation of quarantine laws by master of vessel.

1. To proceed with and anchor his vessel at the place assigned for quarantine, at the time of his arrival;

2. To submit his vessel, cargo, and passengers to the examination of the quarantine officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought, respectively, to be subject; or,

3. To remain with his vessel at the quarantine during the period assigned for her quarantine, and while at quarantine to comply with the regulations prescribed by law, and with such as any health officer, by virtue of authority given him by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers, or crew;

Is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding two thousand dollars, or both.

SEC. 9. Section three hundred and eighty-three of said code is hereby amended to read as follows:

383. Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that the same is adulterated or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor, and must be fined not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail not exceeding one hundred days, or both, and may, in the discretion of the court, be adjudged to pay, in addition, all the necessary expenses, not exceeding fifty dollars, incurred in inspecting and analyzing such articles. The term "drug," as used herein, includes all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, includes all articles used for food or drink by man, whether simple, mixed, or compound. Any article is deemed to be adulterated within the meaning of this section:

Sale of adulterated or tainted food, or drink or drug.

"Drug" defined.

"Food" defined.

(a) In case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs materially from the standard of strength, quality, or purity laid down therein; (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other

Drugs deemed to be adulterated.

standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) If its strength, quality, or purity falls below the professed standard under which it is sold.

Food deemed to (to be adulterated.

(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of, another article; (5) If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal; (6) If it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health.

SEC. 10. A new section is hereby added to said code to be numbered three hundred and eighty-three *a*, and to read as follows:

Sale of process or renovated butter.

383*a*. Any person, firm, or corporation, who sells or offers for sale, or has in his or its possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one half inch in length, "process butter," or "renovated butter," in such a manner as to advise the purchaser of the real character of such "process" or "renovated" butter, is guilty of a misdemeanor.

SEC. 11. Section four hundred of said code approved March thirtieth, A. D. eighteen hundred and seventy-four, is hereby numbered four hundred and one, and as so numbered shall read as follows:

Aiding in suicide.

401. Every person who deliberately aids, or advises, or encourages another to commit suicide, is guilty of a felony.

SEC. 12. A new section is hereby added to said code, to be numbered four hundred and one *a*, and to read as follows:

Cubic feet of space in rooms.

401*a*. Every person who owns, leases, lets, or hires to any person any room in any building, house, or other structure within the limits of any incorporated city, or city and county, for the purpose of a lodging or sleeping apartment, which room or apartment contains less than five hundred cubic feet of space in the clear for each person occupying such room or apartment, and every person found sleeping

or lodging in, or who hires or uses for the purpose of sleeping or lodging in any room or apartment which contains less than five hundred cubic feet of space in the clear for each person so occupying such room or apartment, is guilty of a misdemeanor.

SEC. 13. Section four hundred and two and one quarter is hereby renumbered four hundred and two *a*, and as so renumbered shall read as follows:

402*a*. Every person who adulterates candy by using in its manufacture terra alba or other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba, or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.

Adulteration of candies.

SEC. 14. Section four hundred and two and one half is hereby renumbered four hundred and two *b*, and as so renumbered shall read as follows:

402*b*. Every animal having glanders or farcy shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

Diseased animal to be killed.

SEC. 15. Section four hundred and two and three fourths is hereby renumbered four hundred and two *c*, and as so renumbered shall read as follows:

402*c*. Any person or corporation employing or directing another to do or perform any labor in the construction, alteration, repairing, painting or cleaning of any house, building or structure within this state, who knowingly or negligently furnishes or erects or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hangers, blocks, pulleys, stays, braces, ladders, irons, ropes or other mechanical contrivances, or who hinders or obstructs any officer attempting to inspect the same under the provisions of "An act to amend an act entitled 'An act to establish and support a bureau of labor statistics, approved March 3, 1883,' approved February 20, 1901," or who destroys, defaces or removes any notice posted thereon by such officer or permits the use thereof, after the same has been declared unsafe by such officer, contrary to the provisions of said section twelve of said act, shall be guilty of a misdemeanor.

Construction of unsafe scaffolding, ladders, etc.

SEC. 16. A new section is hereby added to said code, to be numbered four hundred and two *d*, and to read as follows:

402*d*. Any person owning or having possession or control of any animal affected by any contagious or infectious disease, who fails to keep the same within an inclosure, or herd the same in some place where it is secure from contact with other animals of like kind not so affected, or who suffers such infected animal to be driven on the public highway or

Animals affected with contagious diseases to be kept within inclosure.

to range where it is likely to come in contact with other animals not so affected, is guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars for each offense.

#### CHAPTER DLXXIV.

*An act to amend sections nine hundred and fifty-four, one thousand and four, one thousand and eight, and one thousand and twenty of the Penal Code, and to add two new sections thereto to be numbered nine hundred and sixty-nine and one thousand and twenty-five, all relating to pleadings in criminal cases.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Rules of pleading.

SECTION 1. Section nine hundred and fifty-four of the Penal Code is hereby amended to read as follows:

May charge different offenses under separate counts relating to same act.

954. The indictment or information may charge different offenses, or different statements of the same offense, under separate counts, but they must all relate to the same act, transaction, or event, and charges of offenses occurring at different and distinct times and places must not be joined. The prosecution is not required to elect between the different offenses or counts set forth in the indictment or information, but the defendant can be convicted of but one of the offenses charged, and the same must be stated in the verdict.

Prosecution not required to elect between different counts.

SEC. 2. A new section is hereby added to said code, to be numbered nine hundred and sixty-nine and to read as follows:

Previous conviction of another offense.

969. In charging in an indictment or information the fact of a previous conviction of a felony, or of an attempt to commit an offense which, if perpetrated, would have been a felony, or of petit larceny, it is sufficient to state, "That the defendant, before the commission of the offense charged in this indictment or information, was in (giving the title of the court in which the conviction was had) convicted of a felony (or attempt, etc., or of petit larceny)." If more than one previous conviction is charged, the date of the judgment upon each conviction must be stated, but not more than two previous convictions must be charged in any one indictment or information.

SEC. 3. Section one thousand and four of said code is hereby amended to read as follows:

Demurrer, grounds for.

1004. The defendant may demur to the indictment or information, when it appears upon the face thereof either:

1. If an indictment, that the grand jury by which it was found had no legal authority to inquire into the offense charged, by reason of its not being within the legal jurisdic-

tion of the county; or, if an information, that the court has no jurisdiction of the offense charged therein;

2. That it does not substantially conform to the requirements of sections nine hundred and fifty, nine hundred and fifty-one, and nine hundred and fifty-two;

3. That more than one offense is charged, except as provided in section nine hundred and fifty-four;

4. That the facts stated do not constitute a public offense;

5. That it contains matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

SEC. 4. Section one thousand and eight of said code is hereby amended to read as follows:

1008. If the demurrer is allowed, the judgment is final upon the indictment or information demurred to, and is a bar to another prosecution for the same offense, unless the court, being of the opinion that the objection on which the demurrer is allowed may be avoided in a new indictment or information, directs the case to be submitted to the same or another grand jury, or directs a new information to be filed; *provided*, that after such order or resubmission, the defendant may be examined before a magistrate, and discharged or committed by him, as in other cases.

Demurrer allowed, bar to another prosecution, when.

SEC. 5. Section one thousand and twenty of said code is hereby amended to read as follows:

1020. All matters of fact tending to establish a defense, other than one specified in the third and fourth subdivisions of section ten hundred and sixteen, may be given in evidence under the plea of not guilty.

Plea.

What may be given in evidence under plea of not guilty.

SEC. 6. A new section is hereby added to said code to be numbered one thousand and twenty-five, and to read as follows:

1025. When a defendant who is charged in the indictment or information with having suffered a previous conviction, pleads either guilty or not guilty of the offense for which he is indicted or informed against, he must be asked whether he has suffered such previous conviction. If he answers that he has, his answer must be entered by the clerk in the minutes of the court, and must, unless withdrawn by consent of the court, be conclusive of the fact of his having suffered such previous conviction in all subsequent proceedings. If he answers that he has not, his answer must be entered by the clerk in the minutes of the court, and the question whether or not he has suffered such previous conviction must be tried by the jury which tries the issue upon the plea of not guilty, or in case of a plea of guilty, by a jury impaneled for that purpose. The refusal of the defendant to answer is equivalent to a denial that he has suffered such previous conviction. In case the defendant pleads not guilty, and answers that he has suffered the previous conviction, the charge of the previous conviction must not be read to the jury, nor alluded to on the trial.

Previous conviction

## CHAPTER DLXXV.

*An act to amend section one hundred and eleven of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Escapes,  
and aiding  
therein.

SECTION 1. Section one hundred and eleven of said code is hereby amended to read as follows:

Expense  
of trial for  
escape.

111. Whenever a trial is had of any person under any of the provisions of sections one hundred and five and one hundred and six, and whenever a convict in the state prison is tried for any crime committed therein, the county clerk of the county where such trial is had must make out a statement of all the costs incurred by the county for the trial of such case, and of guarding and keeping such convict, and of the execution of the sentence of such convict, properly certified to by a judge of the superior court of such county, which statement must be sent to the board of state prison directors for their approval; and after such approval, said board must cause the amount of such costs to be paid out of the money appropriated for the support of the state prison, to the county treasurer of the county where such trial was had.

## CHAPTER DLXXVI.

*An act to amend sections three hundred and sixty and three hundred and sixty-two, and to repeal sections three hundred and sixty-one and three hundred and sixty-three of the Civil Code, as approved March 5, 1889, all relating to the powers of corporations.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corpora-  
tions,  
in general.

SECTION 1. Section three hundred and sixty of the Civil Code is hereby amended to read as follows:

Real  
estate.  
amount  
which may  
be held by.

360. No corporation shall acquire or hold any more real property than may be reasonably necessary for the transaction of its business, or the construction of its works, except as otherwise specially provided. A corporation may acquire real property, as provided in title seven, part three, of the Code of Civil Procedure, when needed for any of the uses and purposes mentioned in said title. By a unanimous vote



of all the directors at any regular meeting, any corporation existing, or hereafter to be formed under the laws of this state, may acquire and hold the land and building on and in which its business is carried on, and may improve the same to any extent required for the convenient transaction of its business.

SEC. 2. Section three hundred and sixty-one of said code is hereby repealed. Section 361  
repealed

SEC. 3. Section three hundred and sixty-two of said code is hereby amended to read as follows:

362. Any corporation may amend its articles of incorporation by a majority vote of its board of directors or trustees, and by a vote or written assent of the stockholders representing at least two thirds of the subscribed capital stock of such corporation, or the written assent of the majority of the members if there is no capital stock; and a copy of the said articles of incorporation, as thus amended, duly certified to be correct by the president and secretary of the board of directors or trustees of such corporation, shall be filed in the office where the original articles of incorporation are filed, and a certified copy thereof, duly certified by such county clerk, in the office of the secretary of state. A copy of such articles of incorporation, so amended, duly certified by the secretary of state, must be filed in the office of the county clerk of every county in which such corporation has or holds property, except only the county in which the original amended articles of incorporation have been filed. Any corporation which shall amend its articles of incorporation and shall fail to file copies of its amended articles, as required by the preceding sentence, shall be subject to the penalties and liabilities provided in section two hundred and ninety-nine for a failure of corporations to file copies of their articles of incorporation in the offices of the county clerks of the counties in which they shall purchase, hold, or locate property, and from the time of so filing such copy of the amended articles of incorporation, such corporation shall have the same powers, and the stockholders thereof shall thereafter be subject to the same liabilities, as if such amendment had been embraced in the original articles of incorporation. Such original and amended articles of incorporation shall together contain all the matters and things required by the laws under which the original articles of incorporation were executed and filed. Nothing contained in this section must be construed to cure or amend any defect existing in the original articles of incorporation heretofore filed, in that such articles did not set forth the matters required to make the same valid at the time of filing. If the assent of two thirds of said stockholders, or of the majority of members where there is no capital stock, to such amendment has not been obtained, a notice of the intention to make such amendment must first be advertised for thirty days in some newspaper published in the town, city, county, or city and county in which the principal

Articles of incorporation, how amended.

Copy to be filed with county clerk, and a certified copy thereof with the secretary of state.

Certified copy to be filed in the county where property is located.

Penalty for failure to file.

Amendment not to cure any defect in original articles.

Notice to be published.

Not applicable to certain amendments.

Section 363 repealed.

place of business of the corporation is located, before the filing of the proposed amendment. Nothing in this section shall be construed to authorize any corporation to increase or diminish its capital stock, change its name, extend its corporate existence, or increase or diminish the number of its directors, without complying with the special provisions of this code applicable thereto.

SEC. 4. Section three hundred and sixty-three of said code, approved March fifth, eighteen hundred and eighty-nine, is hereby repealed.

## CHAPTER DLXXXVII.

*An act to amend section sixteen hundred and sixteen of the Code of Civil Procedure, relating to the fees and allowances of executors, administrators, and their attorneys.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Accounts of executors, administrators, and their attorneys.

Compensation of executor and administrator.

Compensation of attorney.

Appeal from order of court.

SECTION 1. Section sixteen hundred and sixteen of the Code of Civil Procedure is hereby amended to read as follows:

1616. He shall be allowed all necessary expenses in the care, management, and settlement of the estate, and for his services such fees as provided in this chapter; but when the decedent, by his will, makes some other provision for the compensation of his executor, that shall be a full compensation for his services, unless, by a written instrument, filed in the court, he renounces all claim for compensation provided by in the will. Any attorney who has rendered services to an executor or administrator may at any time during the administration, and upon such notice to the other parties interested in the estate as the court shall by order require, apply to the court for an allowance to himself of compensation therefor, and the court shall on the hearing of such application make an order requiring the executor or administrator to pay to such attorney out of the estate such compensation as to the court shall seem proper. Any payment made by an executor or administrator in conformity with such order shall be allowed by the court in his account. Any attorney making such application to the court for compensation and all other persons interested in the estate may appeal from any order made by the court fixing the amount of such compensation.

## CHAPTER DLXXVIII.

*An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate street or interurban railroads upon any public street or highway, to lay gas pipes for the purpose of carrying gas for heat and power, to erect poles or wires for transmitting electric heat and power along or upon any public street or highway, or to exercise any other privilege whatever hereafter proposed to be granted by boards of supervisors, boards of trustees, or common councils, or other governing or legislative bodies of any county, city and county, city or town within this state, except steam railroads and except telegraph or telephone lines doing an interstate business, and renewals of franchises for piers, chutes or wharves, shall be granted upon the conditions in this act provided, and not otherwise.

Franchises, by whom granted.

SEC. 2. An applicant for any franchise or privilege above mentioned shall file with the governing or legislative body of the county or municipality an application, and thereupon said governing body shall, in its discretion, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the county, city and county, city or town wherein the said franchise or privilege is to be exercised. Said advertisement must state that bids will be received for such franchise, and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days, if it be a daily newspaper, and if there be no daily newspaper published in such county, city and county, city or town, then it shall be published in a weekly newspaper once a week for four successive weeks, and in either case the full publication must be completed not less than twenty nor more than thirty days before any further action can be taken thereon.

Application to be filed.

Publication of application.

Advertisement to state, what.

SEC. 3. The publication must state the character of the franchise or privilege proposed to be granted, the term for which it is granted, and, if it be a street railroad, the route to be traversed; that sealed bids therefor will be received up to a certain hour and day named therein, and that the successful bidder and his assigns must, during the life of said franchise, pay to the county or municipality two per cent (2%)

Publication must state character of, and term for which it is granted.

Percent- age paid, when.	of the gross annual receipts of the person, partnership or corporation to whom the franchise is awarded, arising from its use, operation or possession. No percentage shall be paid for the first five (5) years succeeding the date of the franchise, but thereafter such percentage shall be payable annually; and in the event said payment is not made, said franchise
Forfeited, when.	shall be forfeited; <i>provided further</i> , that if the franchise be a renewal of a right already in existence, the payment of said percentage of gross receipts shall begin at once.
When an extension	SEC. 4. In case the franchise granted shall be an extension of an existing system of street railroad, then the gross receipts shall be estimated to be one half of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system, and said estimate shall be conclusive as to the amount of the gross receipts of said extension.
Sold to highest bidder.	SEC. 5. Said advertisement shall also contain a statement that the said franchise will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; <i>provided, only</i> , that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege a sum not less than ten per cent above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said governing body to the highest bidder therefor in gold coin of the United States.
Highest bid may be increased, how.	Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of such county or municipality, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith and the successful bidder shall deposit, at least ten per cent of the amount of his bid with the clerk of such county or municipality before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case, his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit, as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of at least ten per cent of the amount of his bid therefor, as herein provided.
Bid to be accom- panied with check.	Said successful bidder shall deposit with the clerk of such county or municipality, within twenty-four hours of the acceptance of his bid, the remaining ninety per cent of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made, shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said governing body, be again offered for sale to the highest bidder therefor, in the same manner, and under the same restriction as hereinbefore pro-
Deposit to be re- quired.	
Failure to make deposit.	
Successful bidder to deposit balance.	
Failure to deposit balance.	

vided, and in case said bidder shall fail to deposit with the clerk of such county or municipality, the remaining ninety per cent of his bid, within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit theretofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale, in the manner hereinbefore provided.

Readvertised, when

SEC. 6. Work to erect or lay telegraph or telephone wires, to construct street railroads, to lay gas pipes for the purpose of carrying gas for heat and power, to erect poles or wires for transmitting electric heat or power, along or upon any public street or highway, or to exercise any privilege whatever, a franchise for which shall have been granted in accordance with the terms of this act, shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise so granted shall be forfeited; *provided*, that for good cause shown the governing or legislative body may by resolution extend the time for completion thereof, not exceeding three months.

When work shall commence.

When completed.

SEC. 7. The successful bidder for any franchise or privilege struck off, sold, and awarded under this act shall file a bond running to said county, city and county, or city or town, with, at least, two good and sufficient sureties, to be approved by such governing body, in a penal sum by it to be prescribed, and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with such governing body within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said governing or legislative body, be granted by ordinance to the person, firm or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed, the award of such franchise shall be set aside, and any money paid therefor shall be forfeited, and said franchise shall, in the discretion of said governing or legislative body, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

Bond of successful bidder.

Bond, when and where filed

Failure to file bond.

SEC. 8. It shall be the duty of the attorney-general, upon the complaint of any county or municipality, or, in his discretion, upon the complaint of any taxpayer, to sue for the forfeiture of any franchise granted under the terms of this act, for the non-compliance with any condition thereof.

Duty of attorney-general.

Certain clauses and conditions to be omitted.

SEC. 9. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this act, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in anywise favor one person, firm or corporation, as against another, in bidding for the purchase thereof.

Violation of provisions of this act by members of governing body.

SEC. 10. Any member of any common council or other governing or legislative body of any county, city and county, city or town of this state, who, by his vote, violates or attempts to violate the provisions of this act, or any of them, shall be guilty of a misdemeanor, and may be punished therefor, as provided by law, and may be deprived of his office by the decree of a court of competent jurisdiction, after trial and conviction.

Conflicting acts repealed.

SEC. 11. All acts or parts of acts in conflict herewith are hereby repealed; *provided, however*, that nothing herein contained shall be construed as repealing, or amending the following acts, to wit: "An act relating to the granting by the counties and municipalities of franchise for the construction of paths and roads for the use of bicycles and other horseless vehicles," approved March twenty-seventh, eighteen hundred and ninety-seven; "An act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns leading to public parks owned thereby," being chapter forty of the laws of eighteen hundred and ninety-seven of the State of California.

Certain acts not repealed.

This act shall take effect immediately.

## CHAPTER DLXXIX.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section 131 thereof relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties and powers and fixing their salaries.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Incidental powers and duties of courts.

SECTION 1. Section number one hundred and thirty-one, of the Code of Civil Procedure, is hereby amended to read as follows:

Probation committee, appointment of.

131. Sub. 1. The judge of the superior court in and for each county or city and county of the state, or where there are more than one judge of said court, a majority of

the judges thereof by an order entered in the minutes of such court, may appoint seven discreet citizens of good moral character, and of either sex, to be known as probation committee, and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of said superior court in said county and qualify by taking oath, to be entered in the minutes of said superior court, to faithfully perform the duties of a member of such probation committee.

Oath of office of committee.

Sub. 2. The members of such probation committee shall hold office for four years, and until their successors are appointed, *provided* that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members first appointed shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, the successor shall be appointed to hold for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold for the unexpired term of his predecessor.

Term of office of committee.

Vacancy, how filled.

Sub. 3. The members of the probation committee shall serve without compensation.

Compensation.

Sub. 4. The superior court or any judge thereof may at any time require said probation committee or a probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, applying to receive any child or children under this act, and to report to the court, *provided* that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution.

Committee may examine certain societies, associations, etc.

It shall be the duty of each probation committee prior to December first in each year to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their respective counties, and in said report said committee may make such suggestions or comments as to them may seem fit; said report to be filed in the office of the clerk of the court appointing such committee, for the information of the judges thereof.

Report of committee.

Sub. 5. In counties of the first class there shall be one probation officer and not more than five deputy probation officers; in counties of the second class, one probation officer and not more than one deputy probation officer; in all other counties there shall be one probation officer. In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinafter provided, from time to time when in the

Probation officer and deputies, appointment of.

opinion of the court it may be necessary, *provided* that they serve without salary.

Expenses  
allowed  
probation  
officers.

Sub. 6. The probation officer and deputy probation officers in all the counties of the state shall be allowed such necessary incidental expenses as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

Appoint-  
ments, by  
whom and  
how made.

Sub. 7. The offices of probation officers and deputy probation officers are hereby created. The appointments of probation officers and deputy probation officers to serve hereunder in any county or city and county shall be made by the probation committee of said county or city and county from discreet citizens of good moral character. The appointments by each probation committee shall be made in writing, signed by a majority of the members of such committee, and filed with the county clerk of such county, and shall be subject to and shall take effect upon approval by the judge of the superior court appointing such committee, or by a majority of the judges thereof if there be more than one; such approval to be by order entered in the minutes of said court. The term of office of probation officers and of deputy probation officers shall be two years from the date of the said approval of their several appointments. Such probation officers and deputy probation officers may at any time be removed by the judge approving their appointment in his discretion.

Term of  
office

Removal  
of officer.

Duty of  
deputy.

Sub. 8. Any of the duties of the probation officer may be performed by a deputy probation officer and shall be performed by him whenever detailed to perform the same by the probation officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his duties.

Present  
officers to  
serve.

Sub. 9. It is the intention of this act that the same probation committees, the same probation officers and deputy probation officers shall be appointed and serve under this act as under the act known as the juvenile court act, and entitled "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence," and approved February 26, 1903; or under any laws amending or superseding the same.



Sub. 10. Either at the time of the arrest for crime of any person over sixteen years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment and offense of such person, and must report the same to the court and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer must keep a complete and accurate record in suitable books of the history of the case in court and of the name of the probation officer, and his acts in connection with said case; also the age; sex; nativity; residence; education; habits of temperance; whether married or single; and the conduct, employment and occupation and parents' occupation and condition of such person so committed to his care during the term of such probation, and the result of such probation, which record shall be and constitute a part of the records of the court and shall at all times be open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head of the police, unless otherwise ordered by the court. The said books of record shall be furnished by the county clerk of said county, and shall be paid for out of the county treasury.

Probation officer to inquire into antecedents of person arrested, when.

Report of officer.

Record kept of person released on probation.

Sub. 11. The probation officer shall furnish to each person released on probation and committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court, judge, or justice appointing him, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Terms and conditions of probation.

Sub. 12. The probation officers and deputy probation officers appointed under this section shall serve as such probation officers in all courts having original jurisdiction of criminal actions in this state.

Probation officers to serve in all courts.

Sub. 13. Such probation officer and each deputy probation officer shall have, as to the person so committed to the care of such probation officer or deputy probation officer, the powers of a peace officer.

Powers of peace officers.

## CHAPTER DLXXX.

*An act to amend sections four hundred and eighteen, four hundred and nineteen, four hundred and fifty-six and four hundred and eighty-five, of the Political Code, relating to the salaries of appointees in the offices of the secretary of state, of the state treasurer, and of the surveyor-general.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and eighteen of the Political Code, is hereby amended so as to read as follows:

Deputy  
secretary  
of state,  
salary.

418. The annual salary of the deputy secretary of state is two thousand seven hundred dollars. Such salary shall be payable in the same manner as salaries of other state officers.

SEC. 2. Section four hundred and nineteen, of the Political Code, is hereby amended so as to read as follows:

Book-  
keeper,  
salary.

419. The annual salary of the bookkeeper shall be twenty-four hundred dollars, payable at the same time and in the same manner as other state officers.

SEC. 3. Section four hundred and fifty-six, of the Political Code, is hereby amended so as to read as follows:

Deputy  
state  
treasurer  
and book-  
keeper,  
salaries.

456. The annual salary of the deputy state treasurer is two thousand seven hundred dollars; the annual salary of the bookkeeper to the treasurer of the state is two thousand four hundred dollars. Said salaries shall be payable in the same manner as salaries of other state officers.

SEC. 4. Section four hundred and eighty-five, of the Political Code, is hereby amended so as to read as follows:

Appoint-  
ments of  
surveyor-  
general.

485. The surveyor-general may appoint a deputy surveyor-general, who shall be ex-officio deputy of the register of the state land office, and one assistant surveyor-general, who shall be ex-officio assistant register of the state land office, and one clerk, all of whom shall be civil executive officers. The annual salary of the deputy surveyor-general, including his services as ex-officio deputy of the register of the state land office, is two thousand seven hundred dollars. The annual salary of the assistant surveyor-general, including his services as ex-officio register of the state land office, is two thousand dollars. The annual salary of the clerk to the surveyor-general is one thousand six hundred dollars. Said salaries shall be payable in the same manner as salaries of other state officers.

Salaries.

SEC. 5. This act shall take effect immediately.

## CHAPTER DLXXXI.

*An act to amend sections four hundred thirty-nine, four hundred forty and four hundred forty-one of the Political Code, relating to the office of the controller of state, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred thirty-nine of the Political Code is hereby amended so as to read as follows:

439. The controller may appoint one deputy controller, one expert, one bookkeeper and five clerks, all of whom shall be civil executive officers. Employs  
of con-  
troller.

SEC. 2. Section four hundred forty of the Political Code is hereby amended so as to read as follows:

440. The annual salary of the deputy controller is twenty-seven hundred dollars; of the expert two thousand dollars; of the bookkeeper two thousand dollars; and of each clerk one thousand six hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers. Salaries.

SEC. 3. Section four hundred forty-one of the Political Code is hereby amended so as to read as follows:

441. The controller may appoint a porter for his office at an annual salary of seven hundred and twenty dollars, payable in the same manner and at the same time as the salaries of state officers. Porter.

SEC. 4. All laws and parts of laws and all sections of either of the codes in conflict herewith are hereby expressly repealed.

SEC. 5. This act shall take effect immediately.

## CHAPTER DLXXXII.

*An act to amend the Political Code by adding thereto a new section to be numbered eighteen hundred and seventy-four a creating the office of secretary to the state text-book committee, defining the duties pertaining to said office, authorizing the said text-book committee to elect a secretary to fill said office, and fixing his compensation and to repeal all acts and parts of acts in conflict with this act.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be numbered eighteen hundred and seventy-four a, to read as follows:

Text-book committee, secretary to; appointment, term and salary.

1874a. The office of secretary to the state text-book committee is hereby created. The state text-book committee shall elect a person of recognized ability and experience to fill said office. Said secretary shall be provided with an office at the state capitol in Sacramento in connection with that of the superintendent of public instruction, and he shall keep the books, accounts, and all records of the said committee and perform such other duties as may from time to time be required of him by said committee. Said secretary shall hold office at the pleasure of the committee and shall receive a salary of twenty-five hundred dollars per year, payable monthly out of the state school book fund and in the same manner as the salaries of state officers are paid.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

### CHAPTER DLXXXIII.

*An act to amend an act entitled, "An act to protect stockholders and persons dealing with corporations in this state," approved March 29th, 1878, and all acts amendatory thereof, and to repeal all laws in conflict therewith.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Corporations, false reports of officers of.

SECTION 1. Any superintendent, director, secretary, manager, agent, or other officer, of any corporation formed or existing under the laws of this state, or transacting business in the same, and any person pretending or holding himself out as such superintendent, director, secretary, manager, agent, or other officer, who shall willfully subscribe, sign, indorse, verify, or otherwise assent to the publication, either generally or privately, to the stockholders or other persons dealing with such corporation, or its stock, any untrue or willfully and fraudulently exaggerated report, prospectus, account, statement of operations, values, business, profits, expenditures or prospects, or other paper or document intended to produce or give, or having a tendency to produce or give, to the shares of stock in such corporation a greater value or less apparent or market value than they really possess, or with the intention of defrauding any particular person or persons, or the public, or persons generally, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in state prison or a county jail not exceeding two years, or by fine not exceeding five thousand dollars, or by both.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

## CHAPTER DLXXXIV.

*An act to amend section three hundred and twelve of the Civil Code of the State of California, relating to elections by stockholders in corporations.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and twelve of the Civil Code is hereby amended to read as follows:

312. At all elections or votes had for any purpose in corporations formed for profit there must be a majority of the subscribed capital stock or of the members represented, either in person or by proxy in writing; *provided*, that in all instances of corporations formed for purposes other than profit the by-laws shall provide the number of members or stockholders that shall constitute a quorum for the transaction of business. Every person acting therein (in person or by proxy or representative), must be a member thereof or a bona fide stockholder, having stock in his own name on the stock-books of the corporation at least ten days prior to the election. Any vote or election had other than in accordance with the provisions of this article is voidable at the instance of absent (or any) stockholders or members, and may be set aside by petition to the superior court of the county where the same was held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time, if for any reason there is not present a majority of the subscribed stock or members, or no election had, such adjournment and the reasons therefor being recorded in the journal of proceedings of the board of directors.

Corporations.

Election in, majority of stock must be represented.

Election set aside, when and by whom.

## CHAPTER DLXXXV.

*An act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers and dependent maiden daughters, and sisters of union veterans who served honorably in the war of the rebellion.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended for repairs and improvements at the Woman's Relief Corps Home (located

Woman's Relief Corps Home, repairs and improvements.

at Evergreen, Santa Clara county), for ex-army nurses, and indigent widows, wives, mothers and dependent maiden daughters and sisters of union veterans who served honorably in the war of the rebellion.

SEC. 2. Such repairs and improvements shall be made under the supervision of the board of directors of the Woman's Relief Corps Home Association of California. Bills for the same shall be presented to the state board of examiners and when allowed by said board, the state controller shall draw his warrants therefor against this appropriation and the state treasurer shall pay the same.

SEC. 3. This act shall take effect July first, nineteen hundred and five.

## CHAPTER DLXXXVI.

*An act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Polytechnic School, improvements at.

SECTION 1. The sum of fifteen thousand (\$15,000) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to be paid to the order of the board of trustees of the California Polytechnic School as follows, to wit:

For the erection of an electrical construction building and for furnishing the same six thousand (\$6,000) dollars.

For the erection of barns, shops and outbuildings and for furnishing the same nine thousand (\$9,000) dollars.

All bills for materials, machinery or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1905.

## CHAPTER DLXXXVII.

*An act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty thousand (\$30,000) dollars, to be used in the construction and furnishing of a domestic science building at the California Polytechnic School. Polytechnic School, domestic building at

SEC. 2. The controller is hereby authorized to draw warrants from time to time, as the work shall progress, in favor of the board of trustees of said California Polytechnic School upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. The moneys hereby appropriated shall be expended under the direction of the said board of trustees, but all requisitions shall be audited and allowed by the state board of examiners before payment.

SEC. 4. This act shall take effect and be in force from and after January 1, 1906.

## CHAPTER DLXXXVIII.

*An act appropriating the sum of ten thousand dollars for the purchase and installment of a heating plant for the use of the State Normal School at Chico, and for the new roofing and repainting of said school.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid out by the trustees of the Chico State Normal School, in the purchase of a heating plant, and the installment of the same, and for new roofing, and for repainting, for the use of said school. Chico Normal School, heating and for new roof and re-painting.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant or warrants for the said amount in favor of the trustees of said Chico State Normal School, upon the requisition of said board, and the state treasurer is hereby ordered and directed to pay such warrant or warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER DLXXXIX.

*An act to aid the county of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Highway,  
public, in  
Modoc  
county.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seven thousand dollars (7,000), for aid to the county of Modoc in the construction of permanent work on the county road between Alturas and Cedarville. Of the money herein appropriated thirty-five hundred dollars (3,500) shall become available immediately and the remaining sum of thirty-five hundred dollars shall become available January 1, 1906.

SEC. 2. The road work above mentioned is placed under the management and control of the department of highways, and it shall be the duty of said department to do the work upon the best and most economical plan consistent with the best interests of Modoc county and the state.

SEC. 3. The state controller is hereby instructed and directed to draw his warrants, in payment for said work, at such time and in such amounts as the department of highways may present claims for. Said warrants shall be drawn in favor of the highway commissioner and the said treasurer is hereby directed and instructed to pay said warrants, and the highway commissioner shall disburse the same.

## CHAPTER DXC.

*An act making an appropriation to pay the claim of Richard Price Morgan against the State of California.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Richard  
Price  
Morgan,  
claim of]

SECTION 1. The sum of three thousand dollars (\$3000.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Richard Price Morgan against the State of California.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect July 1, 1906.



## CHAPTER DXCI.

*An act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California, for the arrest of Josef E. Blanther, for murder.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one thousand (\$1000) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of H. W. Randal, for the reward offered by the governor of the State of California, for the arrest of Josef E. Blanther, for murder. H. W.  
Randal,  
claim of.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said H. W. Randal, for the sum of one thousand (\$1000) dollars, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect January 1, 1906.

## CHAPTER DXCII.

*An act making an appropriation of forty-five thousand six hundred and sixteen dollars and thirty (\$45,616.30) cents to pay the claim of John Mullan against the State of California and prescribing the duties of the controller and the treasurer of state in relation thereto.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of forty-five thousand six hundred and sixteen dollars and thirty (\$45,616.30) cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay and discharge the claim of John Mullan against the State of California. John  
Mullan,  
claim of.

SEC. 2. The sum hereby appropriated shall be in full payment, satisfaction and acquittance of the said claim of John Mullan and the controller is hereby authorized and directed to draw his warrant for the said sum and the treasurer of state is hereby authorized and directed to pay the same, and thereupon the said John Mullan shall make and deliver unto the controller a full receipt and release of his said claim against the State of California, *provided*, that the direction

to the controller is expressly exempt from the provisions of section six hundred and seventy-two (672) of the Political Code of the State of California.

SEC. 3. One half of the appropriation herein made shall become available January 1, 1906 and the remaining one half shall become available January 1, 1907.

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### CHAPTER DXCIII.

*An act making an appropriation of nine hundred and fifty-two dollars and fifty cents (\$952.50) to pay the claim of Warren F. Drew against the State of California.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Warren F.  
Drew,  
claim of.

SECTION 1. The sum of nine hundred and fifty-two dollars and fifty cents (\$952.50) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay and discharge in full the claim of Warren F. Drew against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of Warren F. Drew for the sum of nine hundred and fifty-two dollars and fifty cents (952.50), and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect July first 1905.

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### CHAPTER DXCIV.

*An act to provide for the building, equipping and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Southern  
California  
Hospital,  
building  
wing to.

SECTION 1. The sum of sixty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For building, equipping and furnishing a wing to be used for patients and office purposes on the grounds of said hospital.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER DXCV.

*An act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and state fair purposes and for the payment of other expenses incidental and relating thereto, prohibiting gambling of all kinds upon the grounds and premises under the control of said California State Agricultural Society, and providing a penalty for gambling or gaming thereon, and providing that certain moneys now in the state treasury may be used in connection with this appropriation for such purposes.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be paid to the board of directors of the California State Agricultural Society and to be expended on, in and about the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society for the purpose of equipping the said fair grounds for exposition and state fair uses for the purposes hereinafter specified: For the construction of a swine exhibit building; the construction of a sheep building; the construction of cattle exhibit barns; the construction of exhibit buildings for mules, horses and ponies; the construction of a poultry building; the construction of a dairy building; the construction of carriage sheds; the construction of a main fence around the grounds; the purchase of decomposed granite for roads; the grading of roads; the grading and filling around barns; the installation of a water system and piping the grounds; the construction of a steel tower and of a barrel tank; the installation of a sewage system; the construction of an implement exhibit building; painting such structures; necessary fees of architects and superintendents, foremen and workmen and for the payment of all other expenses appurtenant to the carrying out of this act. The state controller is hereby ordered and directed to draw

State Agricultural Society, appropriation for fair grounds.

the necessary warrant or warrants therefor, and the state treasurer is hereby directed to pay the same. *Provided that*, if the appropriation made by this act shall be insufficient to provide for the erection and construction of all the buildings hereinbefore enumerated, the board of directors of the said California State Agricultural Society, in their discretion, may erect and construct such buildings named herein as in their discretion can be erected and constructed by the appropriations provided for by this act.

Bids, advertising for.

SEC. 2. No contract for lumber, iron, machinery or material to be used for the purposes mentioned in section one of this act shall be entered into by the California State Agricultural Society until publication shall be made in at least three daily newspapers, two of said newspapers to be published in the city and county of San Francisco, and one in the city of Sacramento, for at least twenty days prior thereto, inviting bids for the supplying of such material. Such bids may be in the form of sealed proposals, shall be opened at a meeting of the directors of such society, and the contract shall be awarded to the lowest responsible bidder for supplying of such material.

Bills, how audited and approved.

SEC. 3. All bids for material and for the construction and equipment of said works shall be audited by the said board of directors of the California State Agricultural Society and approved by the state board of examiners before being paid.

Plans, specifications, etc., how and by whom approved.

SEC. 4. All plans, descriptions, bills of material, specifications and estimates necessary, requisite, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the directors of the California State Agricultural Society and of the state board of examiners. The directors of the California State Agricultural Society shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. It shall not be necessary to obtain the approval or sanction of any other board, officer or person to said plans.

Present funds, how used.

SEC. 5. In addition to the appropriation made by this act, the board of directors of the said California State Agricultural Society are hereby authorized, and empowered to use, for the purpose of improving the said fair grounds, any moneys now in the state treasury of the State of California consisting of the residue remaining after the sale by the California State Agricultural Society of its real estate, or any portion thereof, conformably to the terms and provisions of an act entitled "An act to authorize state agricultural societies under the control of the state, to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest, to prescribe a course of procedure therefor, to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25th, 1897, and any other act amendatory thereof or supplemental thereto, and paid into said state treasury pur-

suant to the terms of said act or acts. The said residue shall be paid to the directors of the California State Agricultural Society in the same manner as in section one of this act provided, and the state controller is hereby ordered and directed to draw the necessary warrants therefor, and the state treasurer is hereby directed to pay the same.

SEC. 6. The board of directors, officers and employés of the California State Agricultural Society are hereby prohibited from permitting any person or persons, or any corporation, within the grounds or premises owned by or under the control of the said California State Agricultural Society, to sell, or offer for sale, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase, or acquire any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of any running, pacing or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as a stakeholder of any bet or hazard laid on the result of any such race or contest, or to receive or pay over any money or article or thing of value, the ownership or right to possession of which has been, is, or is to be determined by any such race or contest, or to permit any gambling or gaming prohibited by section 330 of the Penal Code of the State of California. And every person, officer and employé of said board of directors of the California State Agricultural Society permitting any of the acts herein prohibited, and every person who shall, within the confines of the land and premises of the said California State Agricultural Society, sell, or offer to sell, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase or acquire any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of any running, pacing or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as a stakeholder of any bet or hazard laid on the result of any such race or contest, or to receive or pay over any money or article or thing of value, the ownership or right to possession of which has been, is, or is to be determined by any such race or contest, or to permit any gambling or gaming prohibited by section 330 of the Penal Code of the State of California, is guilty of a misdemeanor and shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months.

SEC. 7. Of the sum of money appropriated by section one of this act, the sum of sixty thousand dollars shall not be payable to the said directors of the California State Agri-

Pools prohibited.

Betting prohibited.

Gambling prohibited.

Penalty.

Appropriation, when payable.

cultural Society, and the appropriation therefor shall not be available until, the first day of July, 1905.

Repeal of  
conflicting  
acts.

SEC. 8. All acts and parts of acts, in conflict with this act, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

## CHAPTER DXCVI.

*An act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a state highway, and making an appropriation therefor.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Lake Ta-  
hoe wagon  
road,  
bridge  
work on.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six thousand (\$6,000) dollars for the purpose of constructing permanent bridge work on the Lake Tahoe wagon road, a state highway. Said sum of six thousand dollars shall become available July 1, 1905.

Duty of de-  
partment  
of high-  
ways.

SEC. 2. The work provided for in section one of this act is placed under the control of the Lake Tahoe wagon road commissioner, *provided, however*, that the plans and specifications for said bridge work shall be made by the department of highways of California, and that all work in connection with said plans and specifications shall be inspected by the state highway commissioner. Before any payments are made for work done hereunder it shall be the duty of the state highway commissioner to certify to and approve the same.

SEC. 3. The state controller is hereby instructed and directed to draw his warrants, in payment for said work, at such time and in such amounts as the Lake Tahoe wagon road commissioner may present claims for. Said warrants shall be drawn in favor of the said commissioner, and the said treasurer is hereby directed and instructed to pay said warrants, and the Lake Tahoe wagon road commissioner shall disburse the same.

## CHAPTER DXCVII.

*An act to appropriate \$40,000 for the purchase of additional land for the use of the Stockton State Hospital.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of forty thousand dollars, to be paid on the order of the board of managers of the Stockton State Hospital, for the purchase of additional land for the use of the Stockton State Hospital.

Stockton  
Hospital,  
additional  
land for

SEC. 2. Any land so purchased by said board of managers under the provisions of this act shall be sufficiently near to said hospital that it can be conveniently used for farming, or agricultural purposes in connection therewith.

SEC. 3. The state board of examiners shall examine, audit, and allow all demands arising under this act, and the acts herein mentioned, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 4. In no case shall the board of managers of said hospital use any moneys herein specifically appropriated for any purpose other than the one for which such appropriation is made.

SEC. 5. This act shall take effect from and after July 1, 1905.

## CHAPTER DXCVIII.

*An act to provide for the location and construction of a public highway from the General Grant Park in Fresno county; thence easterly a distance of about fifty miles to the Kings River canyon; and making an appropriation for the construction thereof; and providing for a commission to take charge of, locate and construct said highway, and to repeal an act entitled "An act to appropriate money for the survey, location and construction of a free wagon road from the town of Mariposa in Mariposa county to the Yosemite valley," approved March 26, 1895.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25000) for the purpose of locating, surveying and constructing a public highway from the General Grant National Park in Fresno county; thence easterly into the Kings River canyon. This appropriation is

Highway  
to Kings  
River  
canyon.

Condition of appropriation.

made upon condition that the county of Fresno shall contribute an amount equal to fifty per cent of the above amount appropriated for the construction of said highway, and that when the said highway is completed that the said county of Fresno shall assume control thereof and maintain the same at the expense of said county thereafter.

Appropriation, when available.

SEC. 2. The money appropriated under the provisions of this act is hereby made available as follows: The sum of twenty-five thousand dollars (\$25000.) is hereby made available on and after June first, 1906, subject to the aforesaid provisions; and the state controller is hereby instructed and directed to draw his warrants at such time and in such amounts as the commissioners, hereinafter provided for, present claims therefor; and said warrants shall be drawn in favor of the commissioners hereinafter provided for, and the state treasurer is hereby directed and instructed to pay said warrants and the said commissioners shall distribute the same.

Commission, who shall constitute.

SEC. 3. The governor of the State of California and the commissioner of highways shall constitute a commission for the purpose of surveying, locating and constructing said highway, and all money paid out or expended shall be paid out and expended through this commission upon the order of the governor.

Yosemite Valley road, repealed and money appropriated made available.

SEC. 4. An act entitled "An act to appropriate money for the survey, location and construction of a free wagon road from the town of Mariposa in Mariposa county to the Yosemite valley, approved March 26, 1895," is hereby repealed, and so much of the money in the state treasury appropriated in said act as is herein appropriated is hereby made available for the construction of the road provided for in section one of this act.

## CHAPTER DXCIX.

*An act making an appropriation to pay the claim of Dr. G. A. White against the State of California.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Dr. G. A. White, claim of.

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, with which to pay the claim of Dr. G. A. White against the State of California.

SEC. 2. The state controller is hereby directed to draw his warrant for the said sum of two hundred and fifty dollars in favor of said Dr. G. A. White, and the state treasurer is hereby directed to pay the same.

SEC. 3. The claim of Dr. G. A. White is hereby exempted from the provisions of section 672 of the Political Code of the State of California.



## CHAPTER DC.

*An act to appropriate money to protect the banks of Eel river from erosion by means of jetty work along the banks thereof.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of thirty-two thousand dollars is hereby appropriated out of any money in the state treasury of the State of California not otherwise appropriated to be used for the purpose of protecting the banks of Eel river from erosion, by jetty work along the banks thereof at the points and in the manner hereinafter specified, said money to be expended in sections 3, 10 and 11, T. 2 N., R. 1 W., H. M., by and under the direction of the commissioner of highways, in accordance with a survey, estimates and plans made by him and now on file in the office of the department of highways. The money hereby appropriated together with any unexpended portion of the sum heretofore appropriated for survey of said river for the purpose of protecting the banks thereof shall be made available and paid out of the state treasury upon warrants drawn therefor in favor of the commissioner of highways to be expended by him for the purpose herein named, at the following times: Sixteen thousand dollars on and after the 1st day of July, 1905, and sixteen thousand dollars on and after the 1st day of July, 1906. This appropriation is conditional upon a contribution of eight thousand dollars to be made by private individuals and placed in the Ferndale Bank at Ferndale, California, to the account of the said commissioner of highways the same to be thereafter added to the moneys hereby appropriated, and the total sum to be expended in the manner hereinbefore provided, and not otherwise. The work to be commenced as soon as the money appropriated is available and completed as fast as possible.

SEC. 2. The state controller is hereby authorized to draw his warrants in favor of the state commissioner of highways for the amount hereby appropriated at the times provided herein for the payment of the same, and the state treasurer is hereby directed to pay the same.

Eel river,  
protection  
of banks  
of

Appropriation, when available.

Appropriation, conditional.

## CHAPTER DCI.

*An act appropriating money for building an assembly hall at the Preston School of Industry.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Preston  
School,  
assembly  
hall for.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars for building an assembly hall at the Preston School of Industry.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the said board of trustees of the Preston School of Industry, for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

## CHAPTER DCII.

*An act to appropriate the sum of \$175.00 to pay the claim of William Saunders against the State of California.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

William  
Saunders,  
claim of.

SECTION 1. The sum of one hundred and seventy-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of William Saunders against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said William Saunders for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners, said claim having been heretofore approved and allowed by said board.

## CHAPTER DCIII.

*An act to create a department of music in the university of the State of California; to provide a professorship of music and to appropriate money therefor.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of regents of the University of California is hereby authorized to organize, establish and create in the University of California, a department of music with the object of providing instruction in music to the students of the university. Said department of music shall be under the direction of a professor of music to be chosen and appointed by the board of regents, and a professorship of music in the University of California with a salary fixed in the sum of three thousand dollars per annum is hereby created. Said board of regents shall make such other and further rules and regulations as it may deem proper for the organizing and conducting of said department of music.

University of California, department of music for.

SEC. 2. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the use of the regents of the University of California in carrying out the purposes as prescribed in section 1. One half of said sum, viz., three thousand dollars shall be paid on the first day of July, 1905, and the remaining one half (three thousand dollars) shall be paid on the first day of July, 1906.

Appropriation.

SEC. 3. The controller is authorized and directed to draw his warrants for the above sums, payable to the order of the treasurer of the University of California, and the treasurer of state is directed to pay the same.

SEC. 4. This act shall be in effect from and after its passage.

## CHAPTER DCIV.

*An act making an appropriation for the purchase of land adjoining the Napa State Hospital and for the construction thereon of a dam and storage reservoir.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of forty thousand (\$40,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the board of managers of the Napa State Hospital for the purchase of land adjoining the lands of the said Napa State Hos-

Napa Hospital, dam and storage reservoir for.

pital and the erection thereon of a dam and storage reservoir for the use and benefit of the said Napa State Hospital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the sum herein appropriated and made payable to the board of managers of the Napa State Hospital and the state treasurer is directed to pay the same.

SEC. 3. This act shall be in effect from and after its passage.

#### CHAPTER DCV.

*An act to appropriate \$40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler house.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Los Angeles Normal School, repair and improvement of buildings.

SECTION 1. The board of trustees of the State Normal School at Los Angeles is hereby authorized and empowered to make the necessary repairs of the building of said school, including the construction and installation of a steam-heating plant and boiler-house for heating said building.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of \$40,000 to be paid on the order of the board of trustees of the State Normal School at Los Angeles, and spent under their direction, for the repair and improvement of the buildings and grounds of the said State Normal School at Los Angeles, including the construction and installation of a steam-heating plant and boiler-house for heating said buildings, \$30,000 of which said sum is appropriated for the construction and installation of said steam plant and boiler house and \$10,000 for general repairs of said buildings and foundation thereof.

SEC. 3. The board of examiners shall, from time to time, as said work progresses, examine, audit and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor payable out of the general fund, and the state treasurer is directed to pay the same.

SEC. 4. The said sum of \$40,000 shall be available immediately.

## CHAPTER DCVI.

*An act. An act making an appropriation to pay the claim of John V. Powers.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of nine hundred and eighty-two dollars is hereby appropriated from any moneys in the state treasury not otherwise appropriated to pay the claim of John V. Powers, said claim having been approved by the state board of examiners. John V. Powers, claim of.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum made payable herein and the state treasurer is hereby directed to pay the same.

## CHAPTER DCVII.

*An act making an appropriation of \$5,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand (\$5,000) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the regents of the University of California for the establishment at the Lick Observatory in Santa Clara county, State of California, of a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates. University of California, regents of to erect a photograph laboratory at Lick Observatory.

SEC. 2. The controller is hereby authorized and directed to draw his warrant for the same, payable to the order of the regents of the University of California, and the treasury of the state is hereby directed to pay said warrant.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER DCVIII.

*An act making an appropriation of five thousand dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Whittier  
State  
School, re-  
plumbing  
main  
building.

SECTION 1. The sum of five thousand dollars, (\$5000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of replumbing the main building of said school.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the board of trustees of the Whittier State School, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of the act of the legislature approved March 23rd, 1876, relating to erections and buildings. All bills for improvements, repairs and constructions shall first be audited by the board of trustees of the Whittier State School and be approved by the state board of examiners before being paid.

## CHAPTER DCIX.

*An act appropriating the sum of \$5000.00 for the purpose of procuring guide posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino and San Diego.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$5,000.00 is hereby appropriated from any money in the state treasury, not otherwise appropriated, for the purpose of procuring metallic guide posts, upon which are to be indicated the distance and direction from said posts, the location of wells, springs, or tanks of water fit for drinking purposes and other information of value, in the desert sections of California, particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino and San Diego; *providing, however*, that each of said counties, (for its own county) shall bear the expense of the proper erection of said guide posts at such points in the county as may be designated by the department of highways, and shall pay all expenses attendant upon the placing of said posts, as well as the expense incurred in placing the directions above mentioned upon said posts.

Guide posts, erection of on the deserts in certain counties.

SEC. 2. The purchase and distribution of such posts is hereby placed under the management and control of the department of highways of the State of California, and it is made the duty of said department of highways to designate the points at which said posts shall be placed. Said posts shall be at least ten feet in length and shall be made of not less than two-inch nor more than three-inch iron pipe, to be set in metallic cross-pieces of such size and to be sunk in the earth at such depth as will insure proper anchorage. Said posts shall have iron cross-arms on which shall be affixed metallic letters stating the information mentioned in section one of this act.

Duty of highway commissioner.

SEC. 3. Any person removing, defacing or in any manner injuring said guide posts shall be deemed guilty of a felony.

SEC. 4. The state controller is hereby directed to draw his warrant in favor of the highway commissioner for the sum of \$5,000.00 and the state treasurer is hereby directed to pay the same.

## CHAPTER DCX.

*An act to amend an act entitled, "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence." Approved February 26, 1903.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Dependent  
and delin-  
quent  
children.

SECTION 1. The title of said act is amended so as to read as follows: "An act defining and providing for the control, protection and treatment of dependent and delinquent children; defining such children; prescribing the powers and duties of courts in respect thereto; providing for the creation and appointment of probation officers, and prescribing their duties, powers, terms of office and compensation; providing for the commitment and confinement of such children; providing for the creation and appointment of boards, to be known as probation committees; to investigate the qualifications of organizations receiving children under this act; and prescribing the powers and duties of such boards, with respect to probation officers and otherwise, and prescribing the terms of office of the members of such boards; providing for the powers of courts and judges with respect to the appointment of probation officers and removal of same, and with respect to probation committees and members thereof; and providing when proceedings under this act shall be admissible in evidence."

SEC. 2. Section 1 of said act is hereby amended so as to read as follows:

Protection  
of.

Section 1. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a state institution. For the purposes of this act the words "dependent child" shall mean any child under the age of sixteen years who is found begging, or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering or receiving alms; or who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or who is found destitute,

"Depend-  
ent child"  
defined.



or whose home, by reason of neglect, cruelty or depravity on the part of either of its parents or of its guardian, or other person in whose care it may be, is an unfit place for such child; or who frequents the company of reputed criminals or prostitutes, or who is found living or being in any house of prostitution or assignation, or who habitually visits, without parent or guardian, any saloon, or place where any spirituous liquors or wine, or intoxicating or malt liquors are sold, exchanged, or given away, or who is incorrigible, or who is a persistent truant from school. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state, or any ordinance of any town, city, county, or city and county of this state.

"Delinquent child" defined.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Section 2. In counties having more than one judge of a superior court, the judges of such court may from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In counties of the first class, such designation shall be made by the presiding judge. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "Juvenile Record," and the court acting under this act shall be called the "Juvenile Court." In justices' courts having more than one justice of the peace, and in police courts having more than one judge, the justices of the peace and the judges of the police courts, from time to time may designate one of their respective number whose duty it shall be to hear all cases coming under this act. All cases coming under the provisions of this act shall be heard at a special separate session of the court, and no matter other than cases under this act shall be on the calendar, or shall be heard at such session, nor shall there be permitted to be present at such session any person on trial, or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

Judges of superior court, duties of.

Juvenile court and record.

Justices' courts.

All cases heard at special session.

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Section 3. Any citizen of the state may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child, and praying that the superior court deal with such child as provided in this act. Such petition shall be verified, and shall contain a statement of the facts constituting such dependency as provided in section one of this act. There shall be no fee for filing said petition.

Petition filed.

Petition, what to state.

SEC. 5. Section 4 of said act is hereby amended to read as follows:

Section 4. Upon the filing of the petition, provided for in section three hereof, a citation shall issue, requiring the person having custody or control of the child, or with whom

Citation to issue.

the child may be, to appear with the child at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents or guardian of the child, if residing in the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing, or if their places of residence be not known to petitioner, then some relative of the child, if there be any residing in said county, and if his residence and relationship to such child be known to petitioner, shall be notified of the proceedings by service of citation requiring them to appear at the time and place to be stated in such citation. In any case, the judge may appoint some suitable person to act in behalf of the child, and may order such further notice of the proceeding to be given as he may deem proper. If any person cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in cases of contempt of court. In case any such citation cannot be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child itself, or any of said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the child immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the child may be retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct.

Service of citation.

Parents to be notified.

Failure to appear when cited.

Return of citation.

Pending final disposition, child to be kept by whom.

Commitment of child.

SEC. 6. Section 5 of said act is hereby amended to read as follows:

Section 5. When any child under the age of sixteen years shall be found by said court or judge or justice to be dependent, within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, or to the care of the probation officers or other person to remain in the home of the child. The court may thereafter set aside, change or modify such order.

SEC. 7. Section 6 of said act is hereby amended to read as follows:

Section 6. The judge of the superior court in and for each county or city and county of the state, or where there are more than one judge of said court, a majority of the judges thereof by an order entered in the minutes of such court, shall appoint seven discreet citizens of good moral character, and of either sex, to be known as probation committee, and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of said juvenile court, if there be one, or otherwise before a judge of said superior court in said county and qualify by taking oath, to be entered in said juvenile record, if any, or in the minutes of said superior court, to faithfully perform the duties of a member of such probation committee.

Probation committee, appointment of

Oath of office of committee

SEC. 8. Section 7 of said act is hereby amended to read as follows:

Section 7. The members of such probation committees shall hold office for four years, and until their successors are appointed, *provided* that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members first appointed shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, the successor shall be appointed to hold for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold for the unexpired term of his predecessor.

Term of office of committee.

Vacancy.

SEC. 9. Section 8 of said act is hereby amended to read as follows:

Section 8. The members of the probation committee shall serve without compensation.

Compensation.

SEC. 10. Section 9 of said act is hereby amended to read as follows:

Section 9. The superior court or any judge thereof may at any time require said probation committee or a probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, applying to receive any child or children under this act, and to report to the court, *provided* that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution. It shall be the duty of each probation committee prior to December first in each year to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their

Committee to examine into management of societies, etc.

Report of committee.

respective counties, and in said report said committee may make such suggestions or comments as to them may seem fit; said report to be filed in the office of the clerk of the court appointing such committee, for the information of the judges thereof.

SEC. 11. Section 10 of said act is hereby amended to read as follows:

Probation officers.

Section 10. In counties of the first class there shall be one probation officer and not more than five deputy probation officers; in counties of the second class, one probation officer and not more than one deputy probation officer; in all other counties there shall be one probation officer. In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinafter provided, from time to time when in the opinion of the court it may be necessary, provided that they serve without salary.

SEC. 12. Section 11 of said act is hereby amended to read as follows:

Salaries of probation officers.

Section 11. The salaries of the probation officers and deputy probation officers (except as herein otherwise provided) shall be as follows, and shall be paid out of the county treasury of the county for which they are appointed, after being allowed and audited in the same manner as the salaries of other county officers: In counties of the second class the probation officer shall receive \$125 per month, and the deputy probation officer seventy-five dollars per month. In all other counties the probation officer and the deputy probation officers shall serve without compensation, *provided however*, that the probation officer and deputy probation officers in all the counties of the state shall be allowed such necessary incidental expenses as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

SEC. 13. Section 12 of said act is hereby amended to read as follows:

Probation officers, by whom and how appointed.

Section 12. The offices of probation officer and deputy probation officer are hereby created. The appointments of probation officers and deputy probation officers to serve hereunder in any county or city and county shall be made by the probation committee of said county or city and county from discreet citizens of good moral character. The appointments by each probation committee shall be made in writing, signed by a majority of the members of such committee, and filed with the county clerk of such county, and shall be subject to and shall take effect upon approval by the judge of the superior court appointing such committee, or by a majority of the judges thereof if there be more than one; such approval to be by order entered in the minutes of said court. The term of office of probation officers and of deputy

probation officers shall be two years from the date of the said approval of their several appointments. Such probation officers and deputy probation officers may at any time be removed by the judge approving their appointment in his discretion.

Term of office.

SEC. 14. Section 13 of said act is hereby amended to read as follows:

Section 13. It shall be the duty of the clerk of any court before which a child is brought under the provisions of this act, or if there be no clerk, then it shall be the duty of the judge or justice of said court, before the hearing of said matter, to notify the probation officer of the county thereof; except in cases where the child is brought before the court by a society, association or corporation which embraces within its objects the care of dependent or delinquent children and which has in the last report thereon by the probation committee of such county been favorably passed upon.

Probation officer to be notified when child is brought before court.

SEC. 15. A new section is hereby added to said act to be designated section 14, and to read as follows:

Section 14. The probation officer or deputy probation officer detailed by him for that purpose, shall inquire into the child's antecedents, character, history, family environment and cause of delinquency or dependency, and shall make his report in writing to the judge or justice in the case of every child to be dealt with under the provisions of this act as a dependent or delinquent child; but only when the judge so specially orders it in the case of a dependent child who is already in the charge of a society, association or corporation which embraces within its objects the care of dependent children and which has in the last report thereon by the probation committee of such county been favorably passed upon. In the event that such a society, association or corporation shall be so in charge, it shall through its agent or superintendent make such report to the judge in place of the probation officer. It shall be the duty of said probation officer or said deputy probation officer or said agent or superintendent of such society, association or corporation to be present in court in order to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as it may require and to make the said report at such time; and to take such charge of the child before and after the hearing as may be ordered. The probation officer and each deputy probation officer shall have as to any child committed to the care of such probation officer, the powers of a police officer. At any time in his discretion such officer or deputy may bring such child before the court committing such child to his care, for such further or other action as the court may see fit. Any of the duties of the probation officer may be performed by a deputy probation officer, and shall be performed by him whenever detailed to perform the same by the probation

Probation officer to inquire into antecedents of child.

Report of officer.

Special order of judge.

Child's interest to be represented, by whom.

Powers of police officers.

Duties of probation officer performed by deputy.

officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his duties.

SEC. 16. A new section is hereby added to said act, to be designated as section 15, and to read as follows:

Child  
detained  
in home  
provided  
by county.

Section 15. If any child is arrested and taken before a justice of the peace or police judge, then at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If, after a hearing, any child shall be found to be delinquent by such court, the justice of the peace or police judge may continue the further hearing from time to time, and may, at any time commit the child to the care and custody of a probation officer and may allow such to remain in the home of such child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required and be subject to be returned to the court for further proceedings whenever such action may appear to be necessary or desirable. If the justice of the peace or police judge at any time deems it necessary or to the best interests of the child that he should be committed to a state reform school or to the care or custody of some association, society or corporation embracing in its objects the care of neglected, dependent, or delinquent children, or should be placed in a suitable family home, or that a guardian should be appointed for such child, the justice of the peace or police judge shall certify the case with a transcript of the docket or other record to the clerk of the superior court of the county or city and county in which the justices' court or police court is held, and the officer having the child in charge shall take the child before the superior court, and thereupon the superior court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided for dependent children. In such case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

Commit-  
ment of  
child after  
hearing.

Commit-  
ted to  
reform  
school,  
when.

Hearing  
and dispos-  
ing of case  
without  
petition.

SEC. 17. A new section is hereby added to said act, to be designated as section 16, and to read as follows:

Detention  
of delin-  
quent  
child.

Section 16. In the case of a child alleged to be delinquent, within the meaning of this act, and brought before the superior court at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If the court find the child to

be delinquent, said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of the probation officer, and may allow such child to remain in the home of such child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the supervision of such probation officer and the further order of the court, or it may authorize the probation officer to board out the child in some suitable family home in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child for such time during its minority, as the court may deem fit, to the care and custody of some association, society or corporation that will receive it, embracing within its objects the care of dependent or delinquent children; or the court may commit such child to a state reform school, as is now, or may hereafter be provided by law in accordance with the procedure provided by law for such commitment. *Provided, further,* that should the legislative body of the county, or city and county, or of a municipality, provide a suitable place for the detention of said dependent and delinquent children, which they are hereby authorized to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order. The court may thereafter set aside, change or modify such order, and may provide for a further detention in said place. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintenance of said child shall be paid by the parent or parents, or guardian, of said child, and in such case shall determine the amount so to be paid, and shall determine whether or not the parent or parents shall exercise any control over said child and the extent thereof, and any disobedience of such order or interference with the custody of the child as therein determined by a parent or guardian having notice of the proceedings or of the order shall constitute a contempt of court. The court may thereafter set aside, change or modify any order herein provided for.

Child committed to care of probation officer.

SEC. 18. A new section is hereby added to said act, to be designated as section 17, and to read as follows:

Section 17. No court or magistrate shall commit a child under twelve years of age to jail, prison or police station, but if such child is unable to give bail, it may be committed to the care of the sheriff, police officer, constable or probation officer, who shall keep such child in some suitable place

Child under twelve not to be committed to jail, etc.

provided by the city, county, or city and county, outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or where adults are confined, it shall be unlawful to confine such child in the same room or yard or enclosure with such adult convicts or prisoners, or to permit such child to come or remain within sight of or meet or come into or remain in the presence of any of such adult convicts or prisoners.

Child committed, how and where confined.

SEC. 19. A new section is hereby added to said act, to be designated as section 18, and to read as follows:

Not to repeal certain acts.

Section 18. Nothing in this act shall be construed to repeal any portion of the act entitled "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, or any of the amendments thereto, or the act entitled "An act to establish the California Home for the Care and Training of Feeble-Minded Children, and provide for the maintenance of the same," approved March 18, 1885, or any of the amendments thereto, or the act entitled "An act to establish a school of industry, and provide for the maintenance and management of the same and to make an appropriation therefor," approved March 11, 1889, or any of the amendments thereto; and in all commitments to said institutions, the acts in reference to said institutions shall govern the same.

SEC. 20. A new section is hereby added to said act, to be designated as section 19, and to read as follows:

Testimony admitted as evidence, when.

Section 19. No record of or testimony concerning any proceedings against any child under this act shall be admissible as evidence against such child in any other court or proceeding, except in proceedings under this act, and except in guardianship or adoption proceedings relating to said child.

SEC. 21. A new section is hereby added to this act, to be designated as section 20, and to read as follows:

Act, how construed.

Section 20. This act shall be liberally construed, to the end that its purpose may be carried out, to wit—that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family, with people of the same religious belief and become a member of the family by legal adoption, or otherwise. In this act, words used in any gender shall include all other genders, and the word "county" shall include "city and county."

SEC. 22. A new section is hereby added to this act, to be designated as section 21, and to read as follows:

Repeal of conflicting acts.

Section 21. All acts and parts of acts inconsistent with this act are hereby repealed, except as hereinabove provided in section 19.



## CHAPTER DCXI.

*An act to amend an act entitled "An act to establish a Political Code," approved March 12, 1872, by amending sections twenty-four hundred and sixty-six (2466) and twenty-four hundred and sixty-eight (2468) thereof, relating to rates of pilotage at San Francisco.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-four hundred and sixty-six (2466) of the Political Code of the State of California is hereby amended so as to read as follows:

2466. *Rates of pilotage at San Francisco.* The following shall be the rates of pilotage into and out of the harbor of San Francisco: All vessels under five hundred (500) tons three (\$3.00) dollars per foot draught; all vessels over five hundred (500) tons three (\$3.00) dollars per foot draught and three (3c) cents per ton for each and every ton registered measurement; and every vessel spoken inward or outward bound except as hereinafter provided shall pay the said rates. A vessel is spoken by day by a pilot boat displaying a union jack or by night displaying a torch or flare-up within a distance of three (3) miles of the vessel. In all cases where inward bound vessels are not spoken until inside of the bar the rates of pilotage herein provided shall be reduced fifty (50) per cent. Vessels engaged in the whaling or fishing trades shall be exempt from all pilotage except where a pilot is actually employed.

Rates of  
pilotage  
in San  
Francisco.

SEC. 2. Section twenty-four hundred and sixty-eight (2468) of the Political Code of the State of California is hereby amended so as to read as follows:

2468. *Same. Exemption and reduction of pilotage.* All vessels sailing under an enrollment, and licensed and engaged in the coasting trade between the port of San Francisco and any other port of the United States shall be exempt from all pilotage unless a pilot be actually employed. All foreign vessels and all vessels from a foreign port or bound thereto, and all vessels sailing under a register between the port of San Francisco and any other port of the United States shall be liable for pilotage as provided in section twenty-four hundred and sixty-six (2466) of this code.

Exemptions and  
reduction  
of pilotage.

## CHAPTER DCXII.

*An act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this act.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Motor  
vehicles,  
license tax  
upon.  
Terms  
defined.

SECTION 1. Subdivision 1. The words and phrases used in this act shall, for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "motor vehicle" shall include all vehicles propelled by any power other than muscular power, *provided* that nothing herein contained shall, except the provisions of subdivisions three, four and five of section three and subdivision one of section four of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in any county, or incorporated city and county, city or town; (3) "closely built up" shall mean (a) the territory of any county or incorporated city and county, city or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of any county or incorporated city and county, city or town contiguous to a public highway not devoted to business, where for not less than one quarter of a mile the dwelling-houses on such highway average less than one hundred feet apart, *provided* that the local authorities having charge of such highway shall have placed conspicuously thereon at both ends of such closely built up section signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to — miles," inserting in the blank space the number of miles to which the speed is to be reduced, and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all boards of supervisors, trustees or councils, committees and other public officials of counties, or incorporated cities and counties, cities or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as mechanic, employé or for hire.

Owner of  
vehicle,  
statement  
filed with  
secretary  
of state.

SEC. 2. Subdivision 1. Every person hereafter acquiring a motor vehicle shall, for every vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered including the name of the maker, factory number, style of vehicle and motor power on a blank to be prepared and furnished by such secretary of state for that purpose; the filing fee shall be two dollars.

Subdivision 2. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number.

Registration of vehicle.

Subdivision 3. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form approximately two inches in diameter, and have stamped thereon the words "Registered motor vehicle, No. ---, State of California," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Registration seal.

Subdivision 4. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration upon payment of a fee of one dollar. Upon the sale of a motor vehicle, the vendor, except a manufacturer or dealer, shall within ten days, return to the secretary of state the registration seal affixed to such vehicle.

If vehicle has been previously registered.

Subdivision 5. Every motor vehicle shall also at all times have the number assigned to it displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in arabic numerals, black on white background, each not less than three inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number the abbreviated name of the state in black on white ground, such letters to be not less than one inch in height.

Number assigned also to be displayed on back of vehicle.

Subdivision 6. A manufacturer of or a dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with subdivisions one, three, five and eight of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

Manufacturer or dealer to register each style and is entitled to duplicate seal.

When not to apply.

Subdivision 7. No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Fictitious seal or number.

Subdivision 8. No motor vehicle shall be used or operated on the public highways after thirty days after this act takes effect, unless the owner shall have complied in all respects

Vehicle not to be operated without seal.

with this section, except that any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof, *provided* that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Not to apply to vehicles owned by non-residents.

Subdivision 9. The provisions of this section shall not apply to motor vehicles owned by non-residents of this state and only temporarily within this state, *provided* the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

Rate of speed.

SEC. 3. Subdivision 1. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in any incorporated city and county, city or town at a greater rate than one mile in four minutes, or elsewhere outside of any incorporated city and county, city or town, at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Approaching or crossing bridge, etc.

Rate of speed.

Subdivision 2. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon approaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Reasonable warning of approach.

Subdivision 3. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other draft animals, to prevent frightening the same.

Vehicles to be brought to a stop, when.

Subdivision 4. A person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other draft animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal;

provided that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure safety to others.

Subdivision 5. In case of accident to a person or property on the public highways, due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

In case of accident.

Subdivision 6. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Public highway set aside for speed tests or races.

SEC. 4. Subdivision 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicles, the person so operating such motor vehicle shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle, shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this act.

When meeting teams, etc., duty of operator.

When overtaking team, etc., duty of operator.

Subdivision 2. Every motor vehicle, while in use on a public highway shall be provided with good and efficient brakes, and also with suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, showing the registered number of the vehicle in separate arabic numerals, not less than one inch in height and each stroke to be not less than one quarter of an inch in width, and also a red light visible in the reverse direction.

Vehicle to be provided with brakes, bell, or horn.

Vehicle to be provided with lamp.

Subdivision 3. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or

Local ordinances not to be passed.

Rate of speed to be regulated by local ordinances, provided.

Signs on public streets.

Rate of speed in public parks.

Civil suits for injuries.

Chauffeur, statement filed with secretary of state by.

except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of the public highways, contrary or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; *provided, however*, that the local authorities of incorporated cities and counties, cities and towns may limit by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one mile in six minutes and on further condition that such incorporated city and county, city or town shall also have placed conspicuously on each main public highway where the boundary of such municipality crosses the same and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to — miles" (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violation of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section six of this act, and *provided further* that nothing in this act contained shall be construed as limiting the power of local authorities to make, enforce and maintain further ordinances, rules or regulations affecting motor vehicles which are offered to the public for hire.

Subdivision 4. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public park or parkways, but in that event, must be signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for burial of the dead.

Subdivision 5. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employé or agent.

SEC. 5. Subdivision 1. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle

or vehicles he is able to operate, and shall pay a registration fee of two dollars.

Subdivision 2. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Registration of chauffeur.

Subdivision 3. The secretary of state shall forthwith, upon such registration and without other fee, insure and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered chauffeur, No. ---, State of California," with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways.

Registration seal of chauffeur.

Subdivision 4. No chauffeur, having registered as herein provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Seal not to be worn by another.

Subdivision 5. No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section.

Vehicle not to be operated by chauffeur, when.

SEC. 6. Subdivision 1. The violation of any of the provisions of this act by any owner, chauffeur or operator of any motor vehicle, shall be deemed a misdemeanor, punishable, upon conviction thereof, by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense.

Violation of provisions of this act by owner, chauffeur, or operator, punishment.

Subdivision 2. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before the nearest justice of the peace, or police judge or court, and be entitled to an immediate hearing; and if such hearing cannot then be had, he be released from custody on giving his personal undertaking to appear and answer for such violation, at such time and place as shall then be ordered, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle owned by such person, with such justice of the peace, police judge or clerk of such police court, or, in case such justice of the peace or police judge is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, by leaving the motor vehicle

Owner taken into custody entitled to immediate hearing.

Released from custody, when and how.

owned by such person, with such officer, *provided*, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and by indorsement on such receipt notify such person to appear before the nearest justice of the peace or police judge or court, on the following day, naming him or it and specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing forthwith on such person being admitted to bail, on the surrender of any receipt or other voucher given at the time of such deposit. If such person shall fail to appear before the magistrate or court at the time ordered or specified, the amount deposited by him may be declared forfeited and disposed of as money deposited for bail in other cases, or the motor which may be so left by him may be sold at public auction by order of the justice of the peace, or police judge or court, and from the amount realized upon such sale, a sum equal to the maximum fine for the offense charged shall be disposed of in like manner, and the surplus, if any, after deducting all expenses incurred in keeping or sale of such motor vehicle be returned to such owner on demand, but no such forfeiture and disposition of such security shall in anywise impair the jurisdiction of such justice of the peace, police judge or court to hear and determine any such charge made against such owner, or to inflict, upon conviction thereof, any punishment prescribed by this act.

Return of security in case admitted to bail.

Deposit declared forfeited, when.

Vehicle sold, when.

Fees received by secretary of state, disposition of.

Appropriation.

SEC. 7. The amount of fees received by the secretary of state, as in this act provided, shall be paid into the state treasury, to be paid into the general fund of the state.

SEC. 8. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00), for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of the necessary clerk or clerks; the purchase of the necessary stationery, books, and postage; for the necessary incidental expenses; for the purchase of the necessary seals and badges; for printing, ruling, binding, and all other work performed and materials used by the state printing office, to be used during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years. The state controller is hereby directed to draw his warrant for any claim against said sum, the same having been approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 9. All acts and parts of acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

SEC. 10. This action shall take effect immediately.



## CHAPTER DCXIII.

*An act to amend an act entitled an act to establish a Political Code approved March 12, 1872, by amending section 3669 thereof, relating to revenue and taxation.*

[Approved March 22, 1905.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3669 of the Political Code of California is hereby amended so as to read as follows:

Revenue and taxation.

3669. *Certain taxes to be paid state treasurer.* Each corporation, person or association assessed by the state board of equalization must pay to the state treasurer, upon the order of the controller, as other moneys are required to be paid into the treasury, the state and county and city and county taxes each year levied upon the property so assessed to it or him by said board. Any corporation, person or association dissatisfied with the assessment made by the board, upon the payment of the taxes due upon the assessment complained of, and the percentage added, if to be added, on or before the first Monday in June, and the filing of notice with the controller of an intention to begin an action, may, not later than the first Monday in June, bring an action against the state treasurer for the recovery of the amount of taxes and percentage so paid to the treasurer, or any part thereof, and in the complaint may allege any fact tending to show the illegality of the tax, or of the assessment upon which the taxes are levied, in whole or in part. When any person, corporation or association has made payment of any of the taxes, penalties, percentages, or costs herein referred to, which have been subsequently adjudged illegal, and still remain in the hands of the state treasurer such person, corporation or association shall be entitled to a refund thereof, although the payment of such taxes, penalties, percentages and costs may not have been under protest, nor a notice filed with the controller of an intention to begin an action to recover the same, as hereinbefore provided. And in case of failure or refusal by the state treasurer to pay the same to such person, corporation or association upon its demand, an action may be brought against the state treasurer for the recovery of the amount of taxes and percentage so paid to the treasurer or any part thereof. Whenever under the provisions of this section an action is commenced against the state treasurer, a copy of the complaint and of the summons must be served upon the treasurer within ten days after the complaint has been filed, and the treasurer has thirty days within which to demur or answer. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento. The attorney-

Certain taxes to be paid state treasurer.

Corporation may bring action against treasurer, if dissatisfied.

Service of summons and complaint.

Demurrer and answer.

Duty of  
attorney-  
general.

Payment  
of final  
judgment.

When  
action  
must be  
com-  
menced.

general must defend the action. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. If the final judgment be against the treasurer, upon presentation of a certified copy of such judgment to the controller he shall draw his warrant upon the state treasurer, who must pay to the plaintiff the amount of the taxes so declared to have been illegally collected; and the cost of such action, audited by the board of examiners, must be paid out of any money in the general fund of the treasury, which is hereby appropriated and the controller may demand and receive from the county, or city and county interested, the proportion of such costs, or may deduct such proportion from any money then or to become due to said county, or city and county. Such action must be begun on or before the first Monday in June of the year succeeding the passage of this act in the case of taxes heretofore paid, and on or before the first Monday in June of the year succeeding the year in which the taxes were levied, and a failure to begin such action is deemed a waiver of the rights of action.

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CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

## CHAPTER I.

*Senate Joint Resolution No. 1, relative to levying a tax on grape brandy.*

[Adopted January 16, 1905.]

WHEREAS, Commissioner Yerkes of the Internal Revenue Service of the United States, in his annual report to the Congress of the United States, recommends the levying of a minimum tax upon the grape brandy now used in the fortification of sweet wines manufactured within the United States amounting to twenty-five cents per proof gallon; and

Levying of minimum tax upon grape brandy.

WHEREAS, Undeniable proof has been presented to this body that such tax is exorbitant, unjust and that in effect it would absolutely destroy that part of the viticultural interests of this state; and

Tax on, ex-orbitant.

WHEREAS, California is the largest grape-growing state in the Union and the largest producer of sweet wines manufactured within the United States; and

WHEREAS, The viticultural interests, both growers and manufacturers, in all parts of the state have unanimously protested against any measure being enacted into law by the National Congress providing for such tax; therefore, be it

*Resolved*, That the Senate and the Assembly jointly requests the Senators of the State of California and hereby requests the Representatives of the State of California in the National Congress at Washington, to energetically and unalterably oppose the enactment into law of such an act, or of any act having any such tendency; be it

Legislature opposed to law.

*Resolved*, That the Secretary of the Senate is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California in Washington; and be it further

Telegram to Washington.

*Resolved*, That the Secretary of State is hereby directed to send by mail forthwith, certified copies of this resolution to each of our Senators and Representatives in Washington.

Copies sent by secretary of state.

## CHAPTER II.

*Assembly Concurrent Resolution No. 1, relative to the death of the Honorable Walter S. Melick.*

[Adopted January 16, 1905.]

Resolution  
of respect  
to the late  
W. S.  
Melick.

WHEREAS, The Honorable Walter S. Melick, a member of the assembly of the legislature of California during the thirty-second, thirty-third and thirty-fourth sessions, died on October 8, 1904; and,

WHEREAS, The late Hon. W. S. Melick, as a legislator from his district in Los Angeles county and later in the capacity of secretary to the state board of examiners, by unusual energy, ability and fidelity in advancing public interests along all lines, placed his name high in the respect of the whole people of our commonwealth; therefore, as a token of respect for his high character and the unselfish and distinguished services he gave the people of this state during life,

*Resolved*, That this house, on this day, record in its journal, and such shall be the order, as having adjourned out of respect to and in recognition of the distinguished services rendered the State by the late Walter S. Melick, and as an evidence of appreciation by the people.

*Resolved, further*, That the chief clerk of the assembly procure and forward to the family of the deceased an engrossed copy of these resolutions.

## CHAPTER III.

*Senate Joint Resolution No. 7, relative to transmission of joint assembly proceedings to governor.*

[Adopted January 19, 1905.]

Election  
of United  
States  
senators.

*Resolved*, That the secretary of the senate and chief clerk of the assembly be and they are hereby directed to prepare and transmit forthwith to the governor of the State of California a copy of the proceedings of the joint assembly pertaining to the election and declaring the election of a person to the United States senate in congress from California for the term of six years, beginning March 4th, 1905, in accordance with an act of congress entitled "An act to regulate the time and manner of holding elections for senators in congress," approved July 25, 1866, and that said copy be attested by the president and secretary of the senate and speaker and chief clerk of the assembly.

## CHAPTER IV.

*Senate Concurrent Resolution No. 8, relative to repairing the capitol building.*

[Adopted January 23, 1905.]

*Resolved by the Senate, and the Assembly concurring, That* Repairs to  
capitol.  
a committee consisting of the chairman of the finance committee of the senate and the chairman of the ways and means committee of the assembly be, and it is hereby authorized and empowered, to secure expert advice concerning the necessary repairs to the capitol building, and also as to necessary additions thereto. The same to be done at a cost not to exceed five hundred dollars, one half of the above amount to be paid from the contingent fund of the senate, and one half from the contingent fund of the assembly.

## CHAPTER V.

*Assembly Concurrent Resolution No. 3, approving two amendments to the charter of the Town of Berkeley, County of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said Town of Berkeley, at an election held therein on the 13th day of April, 1903.*

[Adopted January 25, 1905.]

WHEREAS, The Town of Berkeley, in the County of Alameda, State of California, contains a population of over 3500 and less than 30,000 inhabitants and has been ever since the year 1895 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said town at an election held for that purpose on the 26th day of February, 1895, and approved by the Legislature of the State of California on the 5th day of March, 1895, (Statutes of 1895, page 606), which charter has never been amended; and Amend-  
ments to  
charter of  
Town of  
Berkeley.  
  
Preamble.

WHEREAS, The legislative authority of the said Town of Berkeley did by Resolution No. 972-A of the Resolutions of said Town of Berkeley, adopted by the board of trustees of said town on the 3rd day of February, 1903, and pursuant to Section 8 of Article XI of the Constitution of the State of California duly proposed to the qualified electors of the said Town of Berkeley certain amendments to the charter of the said Town of Berkeley; and

WHEREAS, Said resolution containing said proposed amendments to the said charter was duly published for twenty days

after its passage and approval, in the "Berkeley Daily Gazette," a daily newspaper of general circulation in the Town of Berkeley; and

WHEREAS, Said election was held in the said Town of Berkeley on Monday, the 13th day of April, A. D. 1903, which day was more than forty days after said proposed amendments had been published for twenty days, as aforesaid; and

WHEREAS, On the 15th day of April, 1903, at a meeting of the said board of trustees of the Town of Berkeley, duly convened in accordance with law and with the provisions of said charter, the said board of trustees duly and regularly canvassed the returns of said election so held on the 13th day of April, 1903; and

WHEREAS, Both of said proposed amendments were ratified by a majority of the electors voting thereon; and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that all of said proposed amendments had been ratified by a majority of the electors voting thereon; and

WHEREAS, The said proposed amendments so ratified by the electors of said town at said election, are now submitted to the Legislature of the State of California for approval, or rejection, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, The said amendments to said charter so ratified by a majority of the electors voting thereon at said election, are in words and figures as follows, to wit:

#### MODE OF ELECTION.

Election of officers, mode of Date of. Section 9. The members of the board of trustees and of the board of education, and the assessor, auditor, marshal, treasurer, clerk, attorney, superintendent of streets, and engineer, shall be elected by the qualified electors of the town, at a general municipal election to be held therein on the second Monday in April in each odd-numbered year. The qualified electors of the town shall vote for the assessor, auditor, marshal, treasurer, clerk, attorney, superintendent of streets, and engineer, by general ticket; the qualified electors of each ward shall vote only for the member of the board of trustees and the member of the board of education who is respectively to represent their particular ward, and the officers elected at such election shall hold office until their successors are elected and qualified as provided in this charter.

#### TERM OF OFFICE.

Term of office. Section 10. The marshal, assessor, auditor, treasurer, clerk, attorney, superintendent of streets, and engineer, shall hold office for the period of two years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified.



At the first election under this charter seven members of the board of trustees and seven members of the board of education shall be elected. Those elected from the even-numbered wards shall hold office for a period of two years, or until their successors are elected and qualified; and those elected from the odd-numbered wards shall hold office for a period of four years, or until their successors are elected and qualified. At each general municipal election thereafter members of the board of trustees and of the board of education shall be elected to succeed those whose terms are about to expire, and the members so elected shall hold office for a period of four years, or until their successors are elected and qualified.

Trustees and board of education, election and term.

Now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected voting for and concurring herein,* That said amendments to the charter of the Town of Berkeley, as proposed to and adopted and ratified by the qualified electors of said town, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of said Town of Berkeley, aforesaid.

Approval by legislature.

## CHAPTER VI.

*Senate Concurrent Resolution No. 3, relative to joint rules for senate and assembly.*

[Adopted January 31, 1905.]

*Resolved that the Senate, the Assembly concurring,* Direct the committee on rules of the senate to meet with a like committee from the assembly to prepare and present joint rules for the government of the senate and assembly on all matters requiring joint action.

Joint rules of senate and assembly.

## CHAPTER VII.

*Senate Concurrent Resolution No. 7, relative to the death of Honorable James T. Byrnes, Orrin Z. Hubbell and George H. Williams, and member of the assembly, F. D. Soward.*

[Adopted January 31, 1905.]

*Resolved by the Senate of the State of California, the Assembly concurring,* That a committee of six, consisting of three senators and three assemblymen, be appointed by the president of the senate and the speaker of the assembly, respectively, to prepare and present to the senate and assembly for adoption, resolutions of respect to the memory of the late state senators: James T. Byrnes, Orrin Z. Hubbell, and George H. Williams, and member of the assembly, F. D. Soward, ex-members of the thirty-fifth session of the California legislature.

Resolution of respect to memory of late senators and assemblyman.

## CHAPTER VIII.

*Senate Concurrent Resolution No. 4—Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for, and ratified by, the qualified electors of said City of Stockton, at the general city election held therein, on the 19th day of May, 1903.*

[Adopted February 2, 1905.]

Amend-  
ments to  
charter of  
City of  
Stockton.  
Preamble.

WHEREAS, The City of Stockton, in the County of San Joaquin, State of California, now contains, and for a long time past has contained a population of over 3,500 inhabitants, and ever since the year 1889 has been, and now is, a city organized and acting under a freeholders Charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 22nd day of November, in the year 1889, and approved by the Legislature of the State of California on the 2nd day of March, 1889 (Statutes of 1889, page 577), which Charter, so ratified and approved, has not been amended since the date of its adoption, nor within two years from the date hereof; and

WHEREAS, The City Council of said City of Stockton, being the Legislative authority of said city did, by Ordinance Numbered Three Hundred and Twenty-nine of the ordinances of said city, (adopted by the City Council of said city on the tenth day of March, 1903, and approved by the Mayor of said city on the tenth day of March, 1903), and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of the said City of Stockton, twenty-five certain amendments to the Charter of the said city; and

WHEREAS, Said proposed amendments were, and each of them was, published for at least twenty days, (such publication commencing on the eleventh day of March, 1903, and ending on the third day of April, 1903), in the official newspaper of said city, to wit: The Daily Record, which was and is a daily newspaper printed and published and of general circulation, in the said City of Stockton; and

WHEREAS, The City Council of the City of Stockton did, (in and by said Ordinance Numbered Three Hundred and Twenty-nine, of the Ordinances of said city, passed, adopted and approved, as aforesaid), submit all of the said proposed amendments to the qualified electors of the said city for their ratification, at a general municipal election to be held in said City of Stockton, on the 19th day of May, 1903, which date was at least forty days after the publication of said proposal for twenty days in said daily newspaper of general circulation in the City of Stockton, to wit: said Stockton Record; and

WHEREAS, On the 25th day of May, 1903, the City Council of the said City, duly convened for that purpose, duly and regularly canvassed the returns of the said election, and found, determined and declared that each of said twenty-five amendments had been ratified by a majority of the electors voting thereon at said election; and

WHEREAS, At said election a majority of the electors of said City of Stockton, voting at said election, voted in favor of and to ratify, and did ratify each and all of said twenty-five proposed amendments to said charter; and

WHEREAS, The said twenty-five proposed amendments, so ratified by the electors of said city at said election, are now submitted to the Legislature of the State of California, for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California; and

WHEREAS, The said twenty-five amendments to the charter of said City of Stockton, ratified by a majority of the qualified electors of said city, as aforesaid, were and are in the words and figures following, to wit:

PROPOSED CHARTER AMENDMENT NUMBER ONE.

[Relating to time of holding general municipal elections, what officers to be elected thereat in absence of other provision, their terms and qualifications, vacancies and the filling of them, and repealing Section 215.]

That Section 6 of said charter be amended to read as follows:

Section 6. General municipal elections shall be held biennially on the third Tuesday in May, commencing with the third Tuesday in May, 1905. Except as in this Charter otherwise provided, all city officers shall be elected by the qualified electors of the city and at a general municipal election, and their term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after their election, and they shall serve until their successors shall be elected and qualified. In the absence of specific provision in this Charter otherwise the term of every officer including the Chief of Police and Chief Engineer of the Fire Department, shall be two years. An officer shall be deemed qualified within the meaning of this section when he has taken the oath of office and filed the same, together with his official bond, if by this Charter a bond is required of him.

Time of holding elections.

Term of office.

That Section 218 of said charter be amended to read as follows:

Section 218. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the City Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days

Absence of officers.

Office declared vacant, when.

Appointment to fill vacancy.

Term of office of appointee.

Repeal of previous provisions.

from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The City Council, assembled for the purpose, shall have the power to appoint suitable persons to fill vacancies in any office, except as in this Charter provided. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor. A member of the Council during the term for which he shall have been elected or appointed, shall be ineligible to fill any such vacancy, except in the office of Mayor.

That Section 215 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER TWO.

[Relating, primarily, to the constitution, government, powers and duties of the City Council and the essentials to constitute an ordinance thereof; also, to the election, term, salary, and removal of Councilmen and the means whereby one half of the Councilmen are to be chosen biennially; also, to the redistricting of the city into four wards in 1905 and every fifth year thereafter; the proposal consisting of amending Sections 11, 12, 13, 14, 15, 16, 20, 21, 22 and 24 of the Charter to the end of securing a harmonious amendment to said Charter as to the matters included in such sections.]

That Section 11 of said charter be amended to read as follows:

Legislative power vested in.

Section 11. The legislative power of the City of Stockton shall be vested in a Council consisting of the Mayor and eight Councilmen.

That Section 12 of said charter be amended to read as follows:

Election of councilmen.

Section 12. Councilmen shall be elected at the general municipal election. At the election held in 1905 there shall be elected one Councilman by each of the four wards of the city, and one Councilman selected from each of the four wards and elected by the city at large. The term of office of a Councilman shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and his salary shall be fixed by the City Council at a sum not exceeding three hundred dollars per year. *Provided, however,* that of those Councilmen elected at said election in 1905, the terms of office of the Councilmen-at-Large, from the first and fourth wards, and of the ward Councilmen from the second and third wards, shall expire at the end of two years. Each Councilman shall be, at the time of his election, a resident of the ward from which he is elected or selected.

Term of office.

That Section 13 of said charter be amended to read as follows:

Organization of.

Section 13. The Council shall meet and organize on the first Tuesday of June after the election of its members, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor or

five members of the Council. Five members of the Council shall be a quorum, and the affirmative vote of five members shall be necessary to pass any measure, but a less number than five may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe. The action of the Council at special meetings shall be confined to the matters specified in the notice.

Special meetings.

Quorum.

Actions of council at special meetings.

That Section 14 of said charter be amended to read as follows:

Section 14. The Council shall annually elect a vice-president from its own members, who may be removed by an affirmative vote of not less than five members of the Council.

Election of vice-president of council.

That Section 15 of said charter be amended to read as follows:

Section 15. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

Rules of.

Powers.

That Section 16 of said charter be amended to read as follows:

Section 16. The Mayor, the Vice-President of the Council, and the Chairman of each committee, and each and every city officer (except policemen and firemen) shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by their respective departments.

Power to administer oaths.

That Section 20 of said charter be amended to read as follows:

Section 20. Every bill after it has passed the Council, shall be certified to by the Clerk, under the seal of the City of Stockton. And every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same. And every resolution carrying the appropriation of money, after it shall have been adopted by the Council, shall be subject to veto by the Mayor, the same as an ordinance.

Bill passed by council.

Approval of bill by mayor.

Bill not signed or returned to become law.

Bill carrying an appropriation.

That Section 21 of said charter be amended to read as follows:

Section 21. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than six members, it

Bill returned, action of council.

shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive six affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

Vote on.

That Section 22 of said charter be amended to read as follows:

Bills to be printed and published before action is taken.

Section 22. The action of the Council shall be by ordinance or resolution. To constitute an ordinance, a bill must, before final action thereon, be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished as amended for not less than five days. No action providing for any specific improvement, or the granting of any privilege or involving the lease, appropriation, or disposition of public property, or the expenditure of public money (except sums of less than five thousand dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken, except by ordinance. The Council shall have power to provide by resolution for extraordinary expenditure in case of public disaster or distress.

Bills for expenditures.

Extraordinary expenditure.

That Section 24 of said charter be amended to read as follows:

Wards, re-districting of.

Section 24. The Council shall, in the year one thousand nine hundred and five, and every fifth year thereafter, redistrict the city into four wards, making the same as nearly equal in population and as geographically compact as possible but the city shall not be so redistricted within ninety days previous to any municipal election. *Provided, however,* that should any additions be annexed to the city, that the new territory shall be added to and made a part of the respective contiguous wards.

Addition to.

Section 8 repealed.

That Section 8 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER THREE.

[Relating to the election, term, salary, powers and duties of the Mayor, and providing for a Mayor pro tem.]

That Section 31 of said charter be amended to read as follows:

Mayor, election and term of office.

Section 31. There shall be a Mayor, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed twenty-five hundred dollars per year.

Salary.

That Section 33 of said charter be amended to read as follows:

Cash in treasury counted by mayor.

Section 33. He shall, at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury, and see that it corresponds with the books of the Treasurer and the books of audit.

That Section 34 of said charter be amended to read as follows:

Section 34. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed; he shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Council. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, has been, or is about to be, violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employe, as in case of malfeasance in office.

Duties and powers of mayor.

Removal of officials by mayor.

Contract or agreement with city, violation of.

That Section 35 of said charter be amended to read as follows:

Section 35. The Mayor shall be the President of the Council, but shall have no vote, except the casting vote in all cases of tie. He shall be the executive officer of the city.

Mayor, president of the council.

That Section 36 of said charter be amended to read as follows:

Section 36. When and so long as the Mayor is temporarily unable to perform his official duties, the Vice-President of the Council shall act as Mayor pro tempore; and in case of a vacancy in the office of Mayor the member of the Council who is Vice-President of the Council when such vacancy arises shall become Mayor and remain such until the next general municipal election.

Vice-president of council to act as mayor, when.

#### PROPOSED CHARTER AMENDMENT NUMBER FOUR.

[Relating to the election, term, salary and duties of the City Clerk.]

That Section 38 of said charter be amended to read as follows:

Section 38. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Clerk, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next following his election, and whose salary shall be fixed by the City Council at a sum not to exceed eighteen hundred dollars per year. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, bonds, and other documents belonging to the city, the

City clerk, election, and term of office.

Duties of city clerk.

custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions. He shall preserve in a book devoted exclusively to that purpose a neat and clear copy of all ordinances whatsoever, and of all resolutions of the City Council having a general importance. He shall keep all of his books properly indexed and open to public inspection when not in actual use and perform such other duties relating to his office as the Council shall direct. The purchase of all supplies and articles not otherwise provided for in this charter shall be made upon orders signed by the City Clerk, under the direction of the City Council, and issued on properly prepared blanks. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall be ex-officio License Collector.

Purchase  
of supplies  
by city  
clerk.

Ex-officio  
license  
collector.

PROPOSED CHARTER AMENDMENT NUMBER FIVE.

[Relating to the City Assessor, his election, term, salary, powers and duties.]

That Section 39 of said charter be amended to read as follows:

Assessor,  
election  
and term  
of office.

Ex-officio  
treasurer  
and tax  
collector.

Duties of  
assessor.

To be  
present at  
meeting of  
board of  
equaliza-  
tion.

Assess-  
ment and  
listing of  
property.

Section 39. There shall be a City Assessor, who shall be elected by the qualified electors of the city at a general municipal election, and whose term of office shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed twelve hundred dollars per year (exclusive of fees, if any, allowed by law). The Assessor shall be ex-officio Treasurer and Tax Collector. It shall be the duty of the City Assessor to prepare, between the first Monday of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city, taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this Charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County



Assessors, and shall receive therefor the same fees and compensation. No change shall be made in the valuation of property fixed therein unless two days' notice be given to the taxpayer or his agent.

Fees and compensation.  
Change in valuation of property by assessor.

That Section 40 of said charter be amended to read as follows:

Section 40. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law.

Tax collector, assessor's duty as.  
Treasurer, assessor's duty as.  
Monthly statement.

PROPOSED CHARTER AMENDMENT NUMBER SIX.

[Relating to the office of City Auditor in place of the Board of Audit, providing for his election, term, duties and compensation; adjusting such office with other offices and amending Sections 41, 42, 43, 44, 46, 47, 48, 57, 59, 60, 63 and 64 and repealing Section 45 of the charter to the ends aforesaid; also, providing for estimates by the several departments of the amounts of money required by them for the next succeeding year.]

That Section 41 of said charter be amended to read as follows:

Section 41. An Auditor shall be elected at the general municipal election, whose term of office shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at the time of fixing other salaries at a sum not exceeding eighteen hundred dollars per year.

Auditor, election and term of office of.

That Section 42 of said charter be amended to read as follows:

Section 42. The Auditor shall number and keep a record of all demands approved by the City Council, or fixed by law or ordinance, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the written order of the City Treasurer directing him to issue a receipt for money paid into the city treasury, charge the City Treasurer with the amount received by him and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at

Auditor, duties of.

Auditor,  
duties of.

any time in the city treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and other receipts, charging them therewith and taking their receipt therefor. He shall, on the first Monday of each month, or oftener if required, report in writing to the City Council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall draw and sign all warrants upon the treasury. Every demand must, before it can be paid, be verified by the oath of the claimant or some one in his behalf, and be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so, out of what fund, and that there is sufficient money in such fund with which to pay the same. After such examination he shall approve or reject the claim, in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If the claim is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it, with his reasons for rejecting it, to the officer, Board or other body which originally authorized it, then, if it is allowed by a majority vote of all the members of the Board or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; *provided*, the said Board or other body had the authority to make the expenditure out of which the claim arose. No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of his assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the City Council; nor in favor of any officer, or his assigns, who has failed, to

the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the City Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business, without charge, and shall perform such other duties as are imposed upon him by law or this charter. He shall at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and the books of audit.

That Section 43 of said charter be amended to read as follows:

Section 43. The Auditor shall have the right to require from the different officers, boards, departments, and committees, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective offices or departments; and it is hereby made the duty of all such officers, boards, departments, and committees to furnish and permit the same when required by the Auditor.

Auditor, information to be furnished by officers, etc.

That Section 44 of said charter be amended to read as follows:

Section 44. He shall also have the right to examine any person presenting claims for settlement, or other witnesses, concerning any such claim.

Auditor, right to examine person presenting claims.

That Section 46 of said charter be amended to read as follows:

Section 46. Not later than fifty days next before the date established by this charter for the levy of city taxes, the several departments of the city government, through their boards of control, and the several officers administering departments without boards of control, shall submit to the City Council an annual report of the receipts and disbursements of such office, department or board, showing the amounts and from what source derived, and the expenditures and for what purposes expended, together with itemized estimates of the amount of money necessary to carry on their several departments for the next succeeding year. And from the estimates thus submitted, with such deduction or additions as it may deem expedient, the City Council shall, not later than thirty days next before the date for levying city taxes, complete an itemized estimate, by departments, of the total amount of revenue necessary to carry on the city government for the next succeeding year.

Officers, reports of.

Levying of city taxes.

That Section 47 of said charter be amended to read as follows:

Section 47. At the end of every fiscal year the Auditor shall prepare and lay before the City Council an intelligent statement of the expenditures of the city government during the year for which such report is made, showing the objects to which the revenue has been devoted, and the extent of repairs which have been made, and the public improvements which have been effected. And it shall be the duty of the City Council to cause such a number of the same to be published, as they

Auditor to prepare statement of expenditures of city government.

Publication of statement.

shall declare by resolution, for gratuitous distribution among the inhabitants of the city.

That Section 48 of said charter be amended to read as follows:

Fees and money received by officers to be paid into city treasury.

Section 48. All fees (save such as may be part of his legal compensation) and all other moneys received or collected by any officer, agent, or employé of the city shall be paid by such officer, agent, or employé, each month, or as much oftener as the Council may require, into the city treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor his affidavit that he has paid into the city treasury all such fees or other moneys theretofore received by him or collected.

That Section 57 of said charter be amended to read as follows:

Auditor, list of property assessed, furnished by.

Section 57. After the Board of Equalization shall have completed their duties, the Auditor shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall, on the first Monday of May thereafter, deliver it to the City Council.

That Section 59 of said charter be amended to read as follows:

Tax levy declared by council.

Section 59. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the Auditor shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes, as shown by the list; and as thus carried out the Auditor shall certify to its correctness, and, on or before the third Monday of May thereafter, deliver it to the Tax Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

That Section 60 of said charter be amended to read as follows:

Taxes, collection of.

Section 60. The Collector, on receiving the assessment list certified by the Auditor, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt therefor. For the purpose of collecting the taxes authorized by this charter, the Tax Collector shall have such powers as are given by the revenue laws of this State to collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of the official business on the third Monday of June shall be deemed delinquent, and he shall on said day enter upon the assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the Auditor a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

Tax collector, powers of.

Unpaid taxes.

That Section 62 of said charter be amended to read as follows:

Section 62. On the first Monday in July of each year the Tax Collector must deliver to the Auditor a complete delinquent list of all persons and property then owing taxes and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property.

Tax collector, delinquent list by.

That Section 63 of said charter be amended to read as follows:

Section 63. The Auditor must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll, and must require from him the Treasurer's receipt for the full amount of taxes collected.

Auditor, final settlement with tax collector.

That Section 64 of said charter be amended to read as follows:

Section 64. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within five days thereafter deliver the list, duly certified, to such Tax Collector.

Auditor, delinquent taxes, list of furnished tax collector.

That Section 45 of said charter be repealed and annulled.

Section 45 repealed.

PROPOSED CHARTER AMENDMENT NUMBER SEVEN.

[Relating to the election, term, salary and duties of the City Engineer.]

That the first Section 154 of said charter, that is to say, the section next following Section 153, be amended to read as follows:

Section 154. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Engineer, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed six hundred dollars per year, but this limitation shall not prevent him from having for any work whatever such fees as are or may be allowed by statute or ordinance. The City Engineer shall perform the duties prescribed by this charter, and do such other work pertaining to his profession as he may be directed to do by the City Council or that may be required by the general laws of the State of California. He shall have had at least four years' practical experience as a civil engineer. He shall have the same power in the City of Stockton in making surveys, plats and certificates as is or may be from time to time given by law to County Surveyors of the State of California, and his official acts and all plats, surveys and

City engineer, election of.

Term of.

Salary of.

Duties of.

certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the said County Surveyors.

It shall be the duty of the City Engineer—

Attend meetings of city council.

1. To attend all regular meetings of the City Council and advise the Council on all engineering questions pertaining to the prosecution of all work in the department of public works.

Report to city council.

2. To examine and report when requested by the City Council so to do, upon any proposed improvement, repair or change in the public works of the city.

Perform civil engineering and surveying.

3. To perform all civil engineering and surveying necessary in the prosecution of such public work; to prepare all plans and specifications and in a general way supervise their execution, and shall report to the City Council, in writing, all deviations from the terms of contracts during or after the fulfillment of any contract; to certify to the progress and completion of all such public work, improvement, change or repair and to perform such other engineering work as may be required of him by the Mayor and City Council.

Records kept by.

4. To keep a fair and complete record of all surveys made by him, systematically arranged and indexed so as to be easily available.

PROPOSED CHARTER AMENDMENT NUMBER EIGHT.

[Relating to the election, term, salary and duties of the City Attorney.]

That Section 52 of said charter be amended to read as follows:

City attorney, election of.

Section 52. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter to elect by a majority vote of its own members, a City Attorney, whose term

Term.

of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed fifteen hundred dollars per year. He shall be an attorney and counselor at law duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least five years before his appointment. He shall attend to all suits and other matters in which the city may be legally interested. He shall give his advice or opinion, in writing, whenever required by the Mayor, City Council, Board of Education, Board of Fire and Police Commissioners, or any elected or appointed officer of the city, and do and perform all such other things touching his office as by the Council or Mayor may be required of him.

Salary.

Qualifications.

Duties.

The City Attorney shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the City Council, except his own bond. His bond shall be drafted and approved by the Mayor. He shall at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and the books of audit.

Approve all bonds.

Count cash in treasury.

## PROPOSED CHARTER AMENDMENT NUMBER NINE.

[Relating to the election, term, salary and duties of the Prosecuting Attorney.]

That Section 53 of said charter be amended to read as follows:

Section 53. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a Prosecuting Attorney, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed nine hundred dollars per year. It shall be his duty to prosecute on behalf of the people all criminal cases of municipal cognizance, and all violations of city ordinances and resolutions. He shall give his advice or opinion whenever required by the Chief of Police.

Prosecut-  
ing at-  
torney,  
election.  
  
Term.  
Salary.  
  
Duty

## PROPOSED CHARTER AMENDMENT NUMBER TEN.

[Relating to the election, term, salary and duties of the Superintendent of Streets; also, making him ex-officio Harbor-master, prescribing some of his duties as Harbormaster, and some regulations as to harbor dues and use of wharves; the amendment of some sections and the repeal of others to harmonize.]

That the last section of the two sections of said charter numbered 154, that is to say, the section next preceding Section 155 of said charter, be renumbered 154½ and amended to read as follows:

Section 154½. There shall be a Superintendent of Streets, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed eight-hundred dollars per year.

Superin-  
tendent of  
streets,  
election.  
  
Term.  
Salary.

That Section 155 of said charter be amended to read as follows:

Section 155. The Superintendent of Streets shall perform the duties prescribed by this charter, and by the laws of the State of California, and such other duties as may be prescribed by law and the Mayor and City Council. His term of office shall be two years. It shall be the duty of the Superintendent of Streets:

Duties.  
  
Term.

1. To have the general care and supervision of all public streets, sewers, levees and wharves under such regulations and directions as the Mayor and City Council may prescribe.

Duties.

2. To keep himself informed of the condition of all matters relating to the Department of Streets and Wharves, and also of the lots and grounds belonging to the city and not under the jurisdiction of other departments, and report the necessities of the same to the City Council, at each regular meeting.

Superintendent of streets, duties.

3. To attend all regular meetings of the City Council.

4. To superintend the cleaning of sewers; the sprinkling and cleaning of all accepted streets, to superintend all necessary repairs of public streets, levees, wharves and sewers not let by contract and ordered done by the Mayor and City Council, and to make and superintend such other repairs of streets, levees, wharves and sewers that are in their nature an immediate necessity to prevent injury to the public or to city property, the cost of which does not exceed \$50.00.

5. To have the charge and control of the corporation yard, sewage pumping station and all personal property belonging to the Department of Streets and Wharves, under such directions and regulations as the Mayor and City Council may prescribe.

6. To remove all unauthorized obstructions on the streets, wharves and levees, and to cause the arrest of all persons violating the laws and ordinances relating to said department.

7. When so directed by the City Council, to superintend in detail the prosecution of any work in said department being done under contract.

8. To perform such other services relating to the Department of Streets and Wharves as may be made his duty by law or ordinance.

9. To keep a set of books in which shall be separate accounts for bridges, wharves, crosswalks, culverts, public squares, improvements, miscellaneous work (and if there be other items in number and amount to justify it, separate accounts for these also). Each bridge, section of wharf, crosswalk, etc., shall be so designated as to be readily distinguished. The various items shall be summarized and posted in an intelligent manner and the books always open for reference and inspection.

10. The Superintendent of Streets shall have charge of sewers, drains, etc. He shall have authority to enter private grounds and dwellings and other buildings for the purpose of ascertaining the condition of all sewers, drains, cesspools and vaults and finding any nuisance or infringement of any ordinance governing such matters, he shall proceed at once to abate the nuisance, or to enforce the ordinance.

That Section 156 of said charter be amended to read as follows:

Same.

Section 156. The Superintendent of Streets shall have full control of all employes in the Department of Streets and Wharves (except those under the jurisdiction of the Park Commissioners and those working under contract). The number to be employed from time to time shall be agreed upon by the City Council. The Superintendent of Streets may employ whom he chooses, and may discharge, suspend, or replace at pleasure; he shall keep a time book with said employes, and shall turn the same into the City Clerk's office on the evening of every working day. He may, with the consent of the City Council, and at such rate of pay as they shall affix, appoint a deputy to assist him in the discharge of his duties.



He shall give bonds, with two or more sufficient sureties, for the faithful performance of his duties.

That Section 158 of said charter be amended to read as follows:

Section 158. The Superintendent of Streets shall be ex-officio Harbormaster, but shall draw no salary as Harbormaster; he shall keep a set of books in which shall appear an itemized account of all receipts, showing the source from which each amount is derived. On the first Monday of each month he shall make to the City Council a detailed statement of such receipts for the preceding month, certifying to the same, and attaching thereto the City Treasurer's receipt for the full corresponding amount.

Ex-officio  
harbor-  
master.

That Section 159 of said charter be amended to read as follows:

Section 159. The Harbormaster shall give prompt notice to the City Council of any defect or weakness, or any needed repairs in or about the wharves and water front. Any damage to the wharves, or buildings or material thereon belonging to the city, caused by any steamer or other water craft, shall be assessed or collected at once, or the vessel causing such damage shall be detained by the Harbormaster by due process of law.

Duties of.

That Section 162 of said charter be amended to read as follows:

Section 162. All harbor dues from vessels shall be collected upon their registered tonnage, and shall be deemed to be due and collectible upon the arrival of any steamer or other vessel at a wharf within the city. And no vessel shall occupy the water front or any wharf for more than six consecutive days without the consent of the Harbormaster, and without the payment of the charges established by ordinance of the City Council. All other dues or charges, of whatsoever kind, and whether against a vessel, or the owner or master thereof, or against the merchandise or cargo of such vessel, shall be deemed to be due and collectible when the vessel enters or clears, as the case may be.

Harbor  
dues col-  
lected by.

That Section 163 of said charter be amended to read as follows:

Section 163. No person, corporation, or company shall erect or maintain any building upon any wharf without the consent of the City Council, evidenced by ordinance. And any ordinance granting such privilege may be repealed at the pleasure of the City Council, and such repeal shall not have the effect to create any right of action for damages against the city. And upon the repeal of any such ordinance the City Council may order the removal of any such building or structure within a definite time, to be specified in the repealing ordinance, and if the owner or person or persons in control of the same shall neglect or refuse to remove it within the specified time, then the Harbormaster shall remove the same.

Building,  
erection of  
on wharf.

That Sections 157 and 160 of said charter be repealed and annulled.

Sections  
157 and 160  
repealed.

## PROPOSED CHARTER AMENDMENT NUMBER ELEVEN.

[Relating to the election, term, powers and duties of the Board of Education, the levy of school taxes by the Council and repealing Sections 84, 88, 97, 98, 100 and 101.]

That Section 81 of said charter be amended to read as follows:

Board of education.	Section 81. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director from each ward, and one from the city at large, shall be elected by the qualified electors of the whole city, at the regular municipal election, and shall hold office for a term of four years, and until their successors are elected and qualified.
Compensation.	
Number.	
Election.	
Term.	

That Section 83 of said charter be amended to read as follows:

Powers and duties.	Section 83. The powers and duties of the Board of Education are as follows:
Establish schools.	

1. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.

Manage school property.	2. To manage and control the school property.
Employ teachers	

3. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the Board shall be construed as a contract, either as to the duration of time or amount of wages of such person.

Establish rules.	4. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.
Establish grade of schools.	

5. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

Provide supplies.	6. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.
Build and repair school houses.	

7. To build, alter, repair, rent and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

Purchase, sell, or lease school lots	8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter acquired for the use and benefit of the public schools of the city, and to make, in

the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; *provided* that no real estate shall be bought, sold, or exchanged without the concurrence of four-fifths of the members of the Board and the consent of the City Council, evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or personal property shall go into the general school fund of the city; and the City Council is hereby authorized and required to make over to said Board of Education, upon an application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city, for the use and benefit of said public schools.

9. To grade, fence and improve all school lots, and in front thereof; to grade, sewer, plank or pave, and repair streets, and to construct and repair sidewalks. Improve school lots.

10. To sue for any and all lots, lands and property belonging to or claimed by said School Department, and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property. Prosecute and defend all actions at law.

11. To determine annually the amount of taxation for the establishment of free public schools therein, and for carrying into effect all provisions of law regarding public schools; and the amount so determined by said Board of Education, not exceeding twenty cents on the one hundred dollars of valuation on the assessment roll, shall be reported in writing to the City Council. This report shall specify the proper items of the amount of money required to pay all salaries, and all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones. The City Council is hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to the City Council by the Board of Education as school tax, upon all taxable property in the city, and said tax shall be in addition to all other amounts levied for city purposes; *provided*, that if an emergency shall arise when, in the opinion of the Board of Education, a greater tax than twenty cents on the one hundred dollars will be required to maintain the public schools, or to repair old buildings, or to erect new ones, the Board may recommend to the City Council an increase tax levy (not to exceed in the aggregate thirty cents on the one hundred dollars), and if the City Council shall sanction the same it shall pass an ordinance so fixing the rate for that particular year. Determine annual taxation.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund. Report to city council.

13. To prohibit any child under six years of age from attending public school. Tax levy for school fund.

14. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund. Disbursement of money.

15. To prohibit any child under six years of age from attending public school. Child under six not to attend school.

Allow demands.

14. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

Non-resident child admitted upon payment of tuition fees.

15. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the Board may direct, of tuition fees, to be fixed by the Board.

Dispose of certain property.

16. To dispose of at public or private sale such personal property as shall be no longer required by the department.

Sectarian books, etc., in schools prohibited.

17. To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan, or denominational character.

Furnish books to pupils.

18. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the school when not in use.

Use of funds.

19. To use and apply the school funds of the city for the purposes herein named, and for no other purpose whatever.

General duties.

20. And, generally, to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

Repealed.

That Sections 84, 88, 97, 98, 100 and 101 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER TWELVE.

[Relating to election of Library Trustees.]

That Section 103 of said charter be amended to read, inclusive of the caption, as follows:

*Board of Library Trustees.*

Library trustees, election.

Section 103. The public libraries created or existing in this city shall be managed and controlled by a Board of Library Trustees, consisting of five members, to be elected by the City Council, to serve five years, from the first day of July next succeeding the date of their election; *provided* that the Council at its last regular meeting in June, 1905, shall elect one Trustee to serve one year, one to serve two years, one to serve three years, one to serve four years, and one to serve five years, and at the last regular meeting in June each year thereafter the Council shall elect one Trustee. Said Board of Library Trustees shall have and possess such powers and shall perform such duties as are now or may hereafter be prescribed by the statutes of the State of California, or by ordinances of the City of Stockton.

Term.

Terms classified.

Powers and duties.

PROPOSED CHARTER AMENDMENT NUMBER THIRTEEN.

[Relating to the Police and Fire Departments, to the constitution, election, powers and duties of the Board of Police and Fire Commissioners, to the appointment, regulation and duties of the officers and employés of said Board, and to the

salaries, compensation and expenses in said departments, and to other matters of said departments.]

That Section 131 of said charter be amended to read as follows:

Section 131. The Police and Fire Departments shall be under the management of a Board of three Commissioners to be elected by the Council from the qualified electors of the city, but no member of the City Council shall be eligible to be elected a member of said Board. They shall serve without compensation, and hold office for the term of three years; *provided*, that at the first election one Commissioner be elected for a term of one year, and one Commissioner for a term of two years, and thereafter one Commissioner annually at the second regular Council meeting in July. A majority vote of all the members of the City Council shall be necessary to elect. Said Board shall be known and designated as the Board of Police and Fire Commissioners. In case of a vacancy on the Board by reason of death, resignation or otherwise, the Council shall elect a Commissioner for the unexpired term.

Police and fire department commissioners, election.

Term and compensation. Classification of terms.

Vacancy, how filled.

That Section 132 of said charter be amended to read as follows:

Section 132. The Commissioners shall annually, on the third Monday of August, organize as a Board by electing one of their number President, and a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employes; and may require bonds from its subordinates for the faithful performance of their duties.

President and secretary.

Rules.

That Section 135 of said charter be amended to read as follows:

Section 135. The officers, members and employes of the Police and Fire Departments shall be appointed by the Board, but no appointment or removal shall be made for political purposes, nor shall any removal be made except for cause established to the satisfaction of the Board, after due investigation and trial, as herein provided. The salaries of officers, clerks, and employes of the Board shall be fixed from time to time by the City Council, in its discretion or recommendation of the Board but the salary of the Chief of Police shall not exceed eighteen hundred dollars per year; that of the Chief of the Fire Department shall not exceed eighteen hundred dollars per year; that of the policemen shall not exceed twelve hundred dollars per year, and that of an employe in the Fire Department shall not exceed twelve hundred dollars per year.

Officers of department, appointment.

Removal.

Salaries.

That Section 138 of said charter be amended to read as follows:

Section 138. The Board shall annually report to the City Council an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and of the Fire Department for the ensuing year, speci-

Report.

fyng in detail the proper items for which the same will be required.

That Section 143 of said charter be amended to read as follows:

Discharge  
of officers  
of.

Penalty for  
neglect of  
duty, etc.

Forfeited  
money,  
dispo-  
sition of.

Report to  
city  
council.

Continu-  
ance in  
office of  
present  
officers.

Section 143. Any officer, member, or employé of the Police or Fire Department, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member, or employé; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members, and the families of deceased members, of the department of which the offender may be an officer, member or employé. The Board shall annually render to the City Council a verified itemized account of all moneys so received and disbursed during the preceding year.

That Section 145 of said charter be amended to read as follows:

Section 145. The policemen constituting the police force and the drivers, engineers, hosemen, and other employés constituting the working force of the Fire Department at the time when this charter shall be submitted to the vote of the people, shall be retained in their several positions, unless removed for cause, as provided herein.

#### PROPOSED CHARTER AMENDMENT NUMBER FOURTEEN.

[Repealing Sections 104 to 130 both inclusive, the same being the entire "Judicial Department" and chiefly relating to the "Municipal Court," so called.]

Repealed.

That said charter be amended by repealing and striking out therefrom Sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130, and, also, the caption to said sections, viz: the words, "Judicial Department."

#### PROPOSED CHARTER AMENDMENT NUMBER FIFTEEN.

[Repealing Sections 165 to 200 both inclusive, such sections being the General Street Act, known as the "Vrooman Act," as the same was at the time of framing and ratifying the charter in 1888.]

Repealed.

That said charter be amended by repealing and striking out therefrom Sections 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 200.

PROPOSED CHARTER AMENDMENT NUMBER SIXTEEN.

[Being a new section (103½) relating to the establishment, maintenance, constitution, powers and duties of a Park Commission.]

That said charter be amended by adding thereto, under the caption "Park Commission," a new section, numbered 103½, and in the words and figures following:

*Park Commission.*

Section 103½. All tracts, squares, and lots of land dedicated to public use, donated to or acquired by the City of Stockton for the purposes of public parks or commons, and all trees planted and growing in the public highways of said city, or that may hereafter be planted and grown in said highways, shall be under the supervision, management, care and control of a Board of five members, who shall be styled "The Park Commission."

Park commissioners

1. The members of the Park Commission shall be elected by the City Council to serve five years from the first day of July next succeeding the date of their election; *provided*, that the Council, at its last regular meeting in June, 1905, shall elect one Park Commissioner to serve one year, one to serve two years, one to serve three years, one to serve four years and one to serve five years, and at the last regular meeting in June each year thereafter, the Council shall elect one Park Commissioner.

Election.  
Term.  
Classification of terms.

2. Members of the Park Commission shall receive no compensation for their services. They shall receive no financial benefit from the administration of the Commission, and no Commissioner shall be interested in any contract entered into by the Commission, or directly or indirectly receive any of the Park Commission funds for materials, supplies, or labor.

No compensation.  
Qualifications.

3. Said Commissioners shall organize as a board by electing one of the members President, and the election of a Secretary, who may be a member of the Commission. The President shall hold his office for one year and until his successor is elected. It shall require the presence of three members to constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Organization.

4. The Park Commission shall have the full and exclusive power to govern, manage, direct and regulate the public parks, squares, commons and the trees on the public streets, subject to the provisions of this charter and to such ordinances as may be adopted by the City Council, to expend the moneys appropriated by the Council or derived from any source, for the purpose of managing and improving the public grounds and planting, protecting and preserving the trees on the public streets; to employ all labor and let all contracts necessary to manage, care for, protect, and improve said parks and said trees.

Powers and duties.

Money expended by.

5. The Park Commission shall adopt rules and regulations for the government of the parks and trees under its control,

Rules.

but said rules and regulations must be approved by the City Council to become effective.

Tax levy.

6. The City Council is hereby authorized and empowered to levy and each year, in the mode prescribed by law for the levy and collection of taxes, a tax not less than three cents upon each one hundred dollars assessed valuation of taxable property within the City of Stockton for the purpose of preserving, maintaining, and improving the parks, grounds and trees under the control of the Park Commission. All moneys collected and arising from said tax, and from other sources for said purposes, shall be paid by the Tax Collector or other officer collecting the same, into the treasury of said city, and shall be deemed to be thereupon appropriated and set apart for any salary or expenditure incurred in the management, maintenance, preservation and improvement of said parks, grounds and trees.

Improvement of parks, etc.

PROPOSED CHARTER AMENDMENT NUMBER SEVENTEEN.

Department of streets and wharves.

[Relating to the control of the Department of Streets and Wharves, to contracts for work, material and supplies therein, inclusive of daily labor.]

That Section 146 of said charter be amended to read as follows:

Control of.

Section 146. The Department of Streets and Wharves shall be under the control of the City Council.

That Section 147 of said charter be amended to read as follows:

What to embrace.

Section 147. The Department of Streets and Wharves shall embrace the control of the water front and wharves; of the streets, sidewalks, bridges and public thoroughfares; of the public grounds; of the sewer system, drainage and sewers; of water courses and channels within the city; of the lighting of streets and public buildings, and of everything of a public nature pertaining to said subjects, or to either of them.

That Section 148 of said charter be amended to read as follows:

Supplies.

Section 148. All public work in said department and all materials and supplies to be furnished for public use shall be ordered and furnished by the City Council under written contract, except as hereinafter provided. Before awarding any contract for doing any of such work or furnishing any of such materials or supplies for the city, the Council shall cause notice to be posted conspicuously on or near the Council Chamber door for ten days and published not less than five days in a daily newspaper published in the city, inviting sealed proposals for the said work or materials or supplies, *provided, however,* that if the cost of said work or materials or supplies is less than \$600.00, notice inviting sealed proposals for said work or material or supplies may be given by posting notices for six days conspicuously in front of the Council Chamber door and the Superintendent of Streets' office, and in one other public place to be designated by the City Council;

Awarding of contracts.

Publication.

Sealed bids for.



and provided further, that if the cost of any such work, material or supplies is less than \$100.00, the contract for the same may be written or otherwise, and may be let without advertising for sealed proposals; but no piece of repair work, or improvement, or bill of materials or supplies, or labor, or materials and labor on any piece of repair work or improvement, shall under any circumstances be subdivided for the purpose of bringing the cost within the limits heretofore in this section provided, and any claims so subdivided shall not constitute a legal charge against the city; and provided further, that should the city be in great and immediate danger from any cause, or the public safety so require, the Council may, in its discretion, contract for such work as may be necessary to avoid such danger, without said notices, posting or publication.

Excep-  
tions.

1. Said notice or advertisement and notice shall invite sealed proposals, to be delivered up to a certain day and hour, at the office of the City Clerk of the City Council, for furnishing the supplies and materials and for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the City Council, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Clerk of the City Council for full detail and description of said work and materials. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, or by coin of the United States, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check or coin.

Advertise-  
ment, what  
to contain.

Certified  
check to  
accom-  
pany bids.

2. The City Council shall, in open session, open, examine and publicly declare all bids, and an abstract of each bid shall be recorded in the minutes of the City Council by the Clerk. The City Council shall thereupon, or at such other time as the City Council may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided; and said Council may reject any and all bids and may reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks or coin corresponding to the bids rejected. The check accompanying the accepted bid shall be held by the Clerk of the City Council until the contract for doing the said work, or furnishing said materials or supplies, as hereinafter provided, has been entered into, whereupon said certified check or coin shall be returned to said bidder. If said bidder fail or refuse for ten days after the award to enter into the contract to do said work or furnish said materials or supplies as herein provided, then the

Bids,  
opening of.

Award of  
contract.

said certified check or coin accompanying his bid and the amount therein mentioned, shall be forfeited to the city and shall be collected and paid into the street contingent fund.

Contracts,  
how and  
by whom  
drawn.

3. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quantity or quality of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a vote of six members of the City Council. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Council, and the other shall be delivered to the contractor. At the same time

Bond.

with the execution of said contract, said contractor shall execute to said city, and deliver to the Clerk of the City Council, a bond in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be

Qualifica-  
tions of  
sureties.

the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or materials furnished, and when to be completed, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The City Council may extend said time, but in

Extension  
of time for  
complet-  
ing work.

no event for more than ninety days beyond the time originally fixed for its completion, except by consent of seven members of the City Council. In case of failure on the

Failure to  
complete  
contract.

part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the City Council shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as, in the judgment of the City Council, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same. The Mayor shall be, and is hereby constituted the proper officer to execute on behalf of the city all contracts entered into in the Department of Streets and Wharves.

That Section 150 of said charter be amended to read as follows:

Supplies,  
how  
furnished.

Section 150. All supplies and articles for said department shall be obtained upon orders signed by the Superintendent of Streets, under the direction of the City Council, and issued on properly prepared blanks. These orders must be made in duplicate, and duly numbered, with the words, "To be re-

turned with the bill of articles or supplies named in this order" plainly printed thereon; one to be retained on file in the Superintendent of Streets' office, one to be returned with the bill of the merchant or dealer who has filled the same, to the City Clerk, and so submitted to the City Council, and it shall be the duty of the Superintendent of Streets to see that such supplies and articles are actually delivered to the city, and that the prices charged are not in excess of the current market prices, quantity and quality considered.

That Section 151 of said charter be amended to read as follows:

Section 151. All claims for daily labor in said department, other than those for labor performed under contracts, shall be paid weekly. Said claims shall be made on properly prepared blanks, certified to and signed by the claimant, and certified as correct by the Superintendent of Streets and the Mayor. Thereupon the Auditor shall draw his warrant for the amount, and charge the same to the proper account. The Superintendent of Streets shall file with the City Clerk a weekly report to the City Council, showing the names of such claimants, the nature of their services performed and the amount of each claim.

Claims for daily labor paid weekly.

That Sections 149, 152 and 153 of said charter be repealed and annulled.

Repealed.

PROPOSED CHARTER AMENDMENT NUMBER EIGHTEEN.

[Relating to taxation generally, including levy, assessments, and some provisions as to the duty of Assessor and equalization.]

That Section 54 of said charter be amended to read as follows:

Section 54. The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city taxable for State purposes not exceeding one and one-half per cent upon the assessed value thereof, which shall be paid into the General Fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they may each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent in any one year, which, when collected, shall be paid into a fund to be disbursed as follows:

City council taxes, levy of by.

Paid into general fund.

Disbursement of, how.

1. To pay the interest on said bonds.
2. To a fund for the payment of the principal thereof; and,
3. To meet any indebtedness as aforesaid not funded. And

Interest on bonds

Principal thereof.

the City Council in making said levy shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxa-

Meet indebtedness not funded.

tion within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this Act; and if by reason of extension of territory or from any cause, a portion only or a certain district of such city be liable under said laws and charters for the payment of the bonded and other indebtedness above named or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated, and persons who may reside in the territory of such city liable in each case for the payment of such indebtedness or any particular class or portion thereof, according to such existing laws and charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty cents on each one hundred dollars' valuation upon the assessment roll in any one year; and shall in like manner raise by tax a fund for the establishment and maintenance of a free public library and reading room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars' valuation and not less than three cents thereon.

Support  
of free  
schools.

Not to ex-  
ceed thirty  
cents on  
each one  
hundred  
dollars'  
valuation.

For public  
library.

That Section 55 of said charter be amended to read as follows:

Assessor to  
prepare  
list of  
taxable  
property.

Section 55. And it shall be the duty of the City Assessor to prepare, between the said first Monday in January and the first Monday in April following in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Education mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and

Assess-  
ment for  
street  
improve-  
ment.

Enter  
changes  
upon  
assessment  
list.

shall receive therefor the same fees and compensation. The taxes so levied shall be a lien upon the property assessed, from the first Monday in January, at twelve o'clock M. Each taxpayer shall be required to make and deliver to the City Assessor a statement, under oath, setting forth specifically all the real and personal property owned by said taxpayer, or in his possession or under his control, at twelve o'clock, meridian, on the first Monday of January.

Taxes lien upon property.

Taxpayer to make statement.

PROPOSED CHARTER AMENDMENT NUMBER NINETEEN.

[Relating to the matters as to which the City Council shall have power to pass ordinances.]

That Section 30 of said charter be amended to read as follows:

Council's power to pass ordinances to--

Section 30. The Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

Lay out, etc., grade, streets, etc.

Lay out, etc., sidewalks, etc.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon, or obstructions to the same, and to require their removal.

Prohibit traffic and sales in public places.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets, erecting of gas and electric lights therein, the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, signposts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street or from houses or other buildings; public cries, advertising and other noises, steam whistles, and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars and locomotives.

Regulate the laying of telegraph and telephone wires, and erecting lights on streets.

4. To regulate the building and repairing of sewers; and it shall establish a general and comprehensive system of sewers in the city.

Regulate building of sewers.

4½. To regulate and control the planting, cutting and removing of shade and ornamental trees on the streets, sidewalks, and public thoroughfares of the city.

Regulate planting of trees.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting, oiling and watering of the streets, avenues, and public places.

Regulate street pavements.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

Regulate hospitals, etc.

Provide for construction of bridges.

Regulate tolls, etc.

Regulate anchoring of vessels.

Preventing fires.

Establish fire districts.

Regulate erection of buildings.

Abate a nuisance.

Maintain morgue.

Prohibit houses of ill-fame.

Regulate storage of explosives.

Regulate slaughter houses, offensive trades, etc.

Establish a pound.

Provide for public printing

Regulate construction of sewers and connections.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries, and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate the moving and anchoring of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings or any buildings composed of combustible material therein, and for restricting the height of buildings or structures. To make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibition, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, wash houses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort; and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a poundmaster, defining his term of service, his powers and duties and fix his compensation.

17. To provide for the public printing, and to provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind necessary for the convenient transaction of public business; but nothing in this subdivision shall prevent action by resolution where the amount of expenditure is within the amount specified in the exception clause of Section 22.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the

connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, or bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

Prevent throwing of garbage, etc., into streams.

20. To regulate or prohibit the use of steam, gasoline, electric and other engines, the location of telegraph and telephone poles and wires, awnings, and hanging signs, and the construction of entrances to cellars and basements from sidewalks.

Regulate the use of engines. Location of telegraph poles, signs, etc.

21. To establish hack stands, and regulate the rates and charges of hacks and other licensed vehicles.

Establish hack stands.

22. To regulate the entrance to and exit from theaters, lecture rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches or other obstacles in the aisles of such buildings.

Regulate entrance to and exit from public buildings.

23. To maintain and regulate a fire alarm and police telegraph.

Maintain fire alarm.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

Regulate business of pawnbrokers.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city for the use of water supplied to the city or the inhabitants thereof; to fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and determine the maximum rate or compensation to be charged by any person, company, or corporation supplying gas, electric or other illuminating power in this city; and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

Fix water rates.

Fix telephone rates.

Fix rates for lights.

26. To regulate the quality, capacity, and location of electric wires, water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water, electricity and gas in the streets, public places, and public buildings.

Regulate quality, etc., of electric wires, water and gas pipes, etc.

27. To regulate the speed and conduct of railway engines, and to require railway companies either to station flagmen or place sufficient warning signals and signal bells at street crossings.

Regulate speed of railroad engines.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads, operated by steam or other motive power, along, upon, and across, or elevated above or placed below any streets of the city; *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of six members of the

Grant franchises.

Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

Right of way.

29. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

Grant rights to railroad corporations.

30. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, across, and under the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets.

Require railroad companies to repair streets.

31. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of at least two feet upon each side of the tracks occupied by the company.

32. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this charter.

Make rules to govern conduct and duties of public officers.

33. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the city treasury.

Appoint superintendent of work under contract.

33½. To provide for the appointment of special superintendents on work being done under contract.

Grant franchises for street railroads.

34. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall by resolution cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay to the City of Stockton at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest per centum of the gross receipts of such road, according to a verified statement of the same; *and, provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are the most approved pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years; *provided, further*, that all applications for franchises under this section shall be accompanied by a deposit sufficient to pay advertisements and other necessary expenses to the final action of the City Council on such application; and such sum shall be applied to such purposes.



35. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes. Establish licenses.
36. To establish a city hospital and to provide for its maintenance. Establish hospitals.
37. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses. Acquire public parks.
38. To provide water for the uses of the city and its inhabitants, and lay pipes for the distribution of water. Provide water system.
39. To provide for the execution of all trusts confided to the city. Execution of trusts.
40. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city. Offer rewards.
41. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor. Provide necessity fund.
42. To establish such industrial schools, houses of correction, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance and management of the same. Establish houses of correction, etc.
43. To grant to the charitable associations of the City of Stockton a sum not to exceed one hundred and fifty dollars per month. Donate money.
44. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city. Regulate sale of property belonging to municipality.
45. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful, and to declare the same a nuisance. Regulate parades, etc.
46. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city. Make rules to carry out foregoing.
47. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this charter. Make police rules.
48. To appropriate out of the general fund of the city a sum not to exceed one thousand dollars in any one year to be used in public entertainments and the celebrations of any legal holidays. Appropriate money for celebrations.
49. To provide for a Health Officer and other sanitary officers, and prescribe their powers and duties. Provide for a health officer.
50. To provide for the removal of human remains from the city, and for the establishment of cemeteries. Establish cemeteries.
51. To acquire, construct, purchase, lease, own, control, maintain and operate such public utilities and properties as shall be deemed to be for the best interests of the city. Acquire public utilities.
52. To establish, maintain, regulate and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the City of Stockton. Establish relief for exempt firemen.

as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the Firemen's Relief Fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum not less than five hundred dollars.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY.

[Relating to the Council's power to fix and the time for fixing compensation of officers and employes.]

That Section 50 of said charter be amended to read as follows:

Compensation of officers and employes.

Section 50. The compensation of officers and employes of the city shall be fixed by the City Council at the first regular meeting in April next preceding the general municipal election; but if in any case there be no other applicable limitation of the amount which the Council may fix, the Council shall fix no greater amount than the maximum in the same case prescribed by the former Section 50 of which this is amendatory.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-ONE.

[Relating to the wording, use, abandonment and forfeiture of franchises.]

That Section 202 of said charter be amended to read as follows:

Validity of grant of franchise

Section 202. No grant of any franchise by the City Council shall have any validity or effect unless the wording of the same is in specific terms and not in general terms, nor unless the person or persons to whom the same is made shall within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto. When any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the City Council, shall be deemed a forfeiture of the whole.

Franchise in disuse.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-TWO.

[Relating to contracts for work and supplies exceeding \$600, and to sales and leases of city property and notices thereof and the posting of notices in general.]

That Section 201 of said charter be amended to read as follows:

Contracts let to lowest bidder.

Section 201. Unless otherwise provided in this charter, all contracts for work, or supplies of any kind for more than six hundred dollars, shall be let to the lowest bidder, after notice given, by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging

to the city shall be by public auction to the highest bidder, upon such terms and conditions as the City Council may by ordinance direct, and after like notice given.

That Section 213 of said charter be amended to read as follows:

Section 213. Whenever this charter provides for the posting of notices, such notices shall be posted in three public places, to be designated by the City Council. Posting of notices.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-THREE.

[Relating to fund for permanent water front improvements.]

That Section 164 of said charter be amended to read as follows:

Section 164. For the purpose of providing for permanent water front improvements four (4) per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent wharf along the channels fronting on public streets and levees within the corporate limits of the city. Improvement of water front.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-FOUR.

[Relating to contracts for lighting streets, public buildings, places and offices, and to the form, execution, countersigning and registry of contracts generally.]

That Section 27 of said charter be amended to read as follows:

Section 27. No contract for lighting streets, public buildings, places, or offices, shall be made to pay for power or for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer. Contract for lighting streets.

That Section 29 of said charter be amended to read as follows:

Section 29. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the City Clerk, numbered, and registered in a book kept for that purpose. Contracts to be in writing.  
Contracts, form of.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-FIVE.

[Relating to redemption from tax sales.]

That Section 75 of said charter be amended to read as follows:

Section 75. A redemption of the property sold may be made by the owner or any party in interest at any time prior to the execution of a deed of conveyance by the Tax Collector to the purchaser. Redemption of property.

STATE OF CALIFORNIA, }  
 COUNTY OF SAN JOAQUIN, CITY OF STOCKTON. } ss.

Certificate  
 of mayor  
 and  
 city clerk.

This is to certify that we, C. E. Williams, Mayor of the City of Stockton, and Geo. S. Wheatly, City Clerk of the City of Stockton, have compared the foregoing proposed and ratified twenty-five amendments to the charter of the City of Stockton with the original ordinance proposing said amendments and submitting the same to the qualified electors of said city, at a general city election called and held in said city on Tuesday, the nineteenth day of May, in the year one thousand nine hundred and three, and find that the foregoing is a full, true, correct and exact copy thereof; and we further certify that the facts, as set forth in the preamble preceding said amendments to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Stockton, this 31st day of December, 1904.

C. E. WILLIAMS,  
 Mayor of the City of Stockton.

GEO. S. WHEATLY,  
 City Clerk of the City of Stockton.

[SEAL.]

Approval  
 by legis-  
 lature.

Now, therefore, be it

*Resolved, by the Assembly of the State of California, the Senate thereof concurring, (a majority of all the members elected to each House voting for the adoption of this Resolution and concurring therein), That the said twenty-five amendments to said charter of said City of Stockton, as presented and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Stockton.*

## CHAPTER IX.

*Assembly Joint Resolution No. 5, relative to relief measures by congress in favor of Hon. Frank A. Leach.*

[Adopted February 3, 1905.]

Relief  
 measure in  
 favor of  
 Hon.  
 Frank A.  
 Leach.

WHEREAS, Frank A. Leach, superintendent of the U. S. Mint at San Francisco, California, has, solely by reason of the commission of a crime by a subordinate employé of said mint, been compelled to pay the sum of \$25,000 from his private means; and

WHEREAS, In order to pay said sum of \$25,000 said Frank A. Leach did convey and surrender his home; and

WHEREAS, At the trial of said subordinate employé, who was convicted of the theft of the money which said Frank A.

Leach was compelled to repay as aforesaid, it was in nowise intimated or suggested that said Frank A. Leach was a party to said crime, or was guilty of any negligence or default; and

WHEREAS, During the past thirty years he has been prominently identified with the public affairs of the State of California, the said Frank A. Leach has earned for himself a most enviable reputation for probity, integrity, intelligent zeal and energy; and

WHEREAS, It is contemplated that a measure will be introduced in the congress of the United States providing for the reimbursement of said Frank A. Leach in the sum he has been compelled to pay as aforesaid; therefore, be it

*Resolved*, That the Assembly and Senate of the State of California hereby jointly express approval of any such relief measure introduced in congress for the aforementioned purpose, and most respectfully recommend the passage of such a measure; be it

Approval of relief.

*Resolved*, That the chief clerk of the assembly is hereby directed to telegraph the substance of these resolutions to each senator and representative of the State of California at Washington; and be it further

Chief clerk to telegraph.

*Resolved*, That the secretary of state is hereby directed to send by mail forthwith certified copies of this resolution to each of our senators and representatives at Washington.

Secretary of state to certify.

## CHAPTER X.

*Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904.*

[Adopted February 3, 1905.]

WHEREAS, The City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, now is, and was at all of the times herein referred to a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and,

Charter of the City of Santa Rosa.

Preamble.

WHEREAS, At a general election duly held in said city on the 6th day of April, in the year one thousand nine hundred and four, in accordance with law and the provisions of section eight, article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected, to prepare and propose a charter for the government of said city; and,

WHEREAS, Said board of freeholders did, within ninety days after such election, frame, prepare and propose a charter for the government of said City of Santa Rosa; and,

Charter of  
the City of  
Santa Rosa.

Preamble.

WHEREAS, Such a charter was, on the 28th day of June, in the year one thousand nine hundred and four, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the Mayor of the City of Santa Rosa, and the other copy thereof was filed with, and in the office of the County Recorder of the County of Sonoma; and,

WHEREAS, Said proposed charter was thereafter published in The Press-Democrat, a daily newspaper of general circulation, printed, published and circulated in said City of Santa Rosa, for a period of more than twenty days, and the first publication thereof was made within twenty days after the completion of said charter; and,

WHEREAS, Said proposed charter was, within not less than thirty days after such publication, submitted by the Common Council of the City of Santa Rosa to the qualified electors of said City of Santa Rosa, at a special election, previously duly and legally called and thereafter held in said city on the thirteenth day of September in the year one thousand nine hundred and four, and which said special election was had and held and conducted in all respects as required by law; and,

WHEREAS, The returns of said last mentioned special election were duly canvassed by the Common Council of said city, and the Common Council did find that a majority of the qualified electors of said city voting thereon had voted in favor of said proposed charter, and did duly declare said proposed charter to be ratified and carried by a majority of the qualified electors of said city, voting thereon; and,

WHEREAS, At said special election a majority of the qualified electors of the said City of Santa Rosa voting thereon did vote in favor of and duly ratified said charter so proposed; and,

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and,

WHEREAS, Said charter so ratified is in the words and figures following, to-wit:

### CHARTER OF THE CITY OF SANTA ROSA

#### NAME AND CORPORATE RIGHTS

Name.

SECTION 1. The Municipal Corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact and in law, by the name of the City of Santa Rosa, and by that name shall have perpetual succession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places and jurisdictions. It shall have and use a seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own and control real and personal property within,

Seal.

and also without the city limits when needed for a public use; may receive property of any kind by bequest, donation or gift, for the use of the city or the inhabitants thereof, or for charitable, public or other purposes, and may do and perform any and all acts requisite for the management and disposition of such bequests, donations or gifts; and shall have power to sell, grant, donate or dispose of any and all such property.

Corporate rights.

BOUNDARIES

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to-wit: Beginning at a point three-fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets in said city; thence running due east three-fourths of a mile; thence due south one and one-half miles; thence due west to the westerly line of the San Francisco and North Pacific Railroad; thence along the westerly line of said railroad to the north bank of Santa Rosa Creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to the City of Santa Rosa; thence along the westerly line of said Hewitt's Addition and the land formerly owned by Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning, all situate in Sonoma County, California.

Boundaries.

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over all property, real, personal or mixed of every kind and character belonging to said city within or without the limits of the city now owned, controlled or possessed by the city, or that may hereafter be acquired.

Jurisdiction.

WARDS

SEC. 4. As soon as this Charter goes into effect the Council shall divide the city into six wards, which shall be as near as may be equal in population, and it shall have power to alter or change the numbers or the lines and boundaries thereof.

Number of wards.

OFFICERS

SEC. 5. The officers of the city shall be a Mayor and six Councilmen, a City Clerk, a City Assessor, City Engineer, City Recorder, Chief of Police, City Treasurer, City Attorney, Street Commissioner, and a Board of five Library Trustees. The Mayor, Councilmen, City Clerk, City Assessor and City Recorder shall be elective officers; all of the others shall be appointive officers. All officers of the city shall be bona fide residents in and qualified voters of the city, except as otherwise provided in this Charter.

Officers.

Qualifications.

MAYOR AND COUNCILMEN

SEC. 6. The corporate powers of the city are vested in the Mayor and six Councilmen, and they shall be denominated the

Corporate powers vested in.

Council of the City of Santa Rosa; any four members of said Council shall constitute a quorum for the transaction of business; their meetings shall be public and shall be held at stated times; they may hold adjourned meetings, and may be convened in special meetings by the Mayor or any four members thereof. In case of a vacancy in the Council by death, resignation, removal from the city, or any other cause, the remaining members of the Council shall fill such vacancy, and the person appointed to such vacancy shall hold office until his successor is elected and qualified.

Vacancies.

#### ELECTION OF OFFICERS

SEC. 7. An election shall be held for the election of a Mayor, three Councilmen, filling any vacancy in the Council, City Clerk, City Assessor and City Recorder on the first Tuesday in April, A. D. 1906, and every two years thereafter.

Elections.

SEC. 8. All persons resident in said city qualified to vote for members of the Assembly of the State of California shall have the right to vote at any election held in said city.

Qualifications of voters.

SEC. 9. The Council shall have power, and it is made their duty, to pass ordinances providing for holding elections in the city. They shall provide election precincts or polling places, and designate election officers. The elections shall be conducted as near as may be in the manner provided by the laws of the State for State and County officers, unless the Council shall by ordinance otherwise provide. But the Council shall have the right and power, by resolution, or by ordinance, to reduce the number of election officers for any precinct or polling place to any number not less than three, and may reduce or fix the number of precincts or polling places, and may provide for the voters of two or more wards voting at the same election precinct or polling place. The Council shall have power, by ordinance, to provide the manner of holding elections, the manner of voting, counting votes and declaring the result.

Council to pass ordinances providing for elections.

SEC. 10. The elective officers shall be elected by the voters at large, except the Councilmen who shall be elected from the wards respectively, and the person receiving the highest number of votes for any office shall be declared to be elected to such office. In case of a tie vote, or in case of a contest, the Council shall decide and declare who is elected, and cause certificates of election to be issued to the persons declared to be elected by them. Any person receiving votes at any city election for any city office and who is dissatisfied with the counting of votes as made by the officers of election or the declaration thereof by the Council may within five days after the result of said election has been declared by the Council file a notice in writing with the City Clerk setting forth and declaring therein that he will contest said election and shall also hand a copy of said notice to said City Clerk for the person whose right to such office is contested, and the City Clerk shall serve the same by mailing said copy to the

Officers, how elected.



person whose office is contested by depositing said copy in the United States Postoffice at Santa Rosa, California, sealed in an envelope properly addressed to such party with the postage thereon prepaid within two days after the Clerk shall receive the same, or the City Clerk may within said two days hand said notice personally to said party whose election to said office is contested. Proof of service shall be made by affidavit and shall be filed by the City Clerk within the said five days. The Council shall set a time and place for the hearing of said contest and shall hear the testimony, examine and recount the ballots cast for said office at said election and determine between said contestants, and their decision shall be entered upon their minutes and shall be final and conclusive except as to questions of law affecting the legality of the election or of any ballot cast thereat.

SEC. 11. The Council shall hold a meeting on the first Thursday next after the election, and shall canvass the returns of the election and declare the result. If from any cause a quorum shall not then be present, or the election returns be not all received, the City Clerk or the members present shall adjourn the meeting until the next day and notify the absent members to be present, and, if necessary, may adjourn from day to day (holidays excepted) until the returns are canvassed and the result declared. The Clerk shall immediately issue certificates of election to those declared to be elected. The newly elected Councilmen and the Mayor shall meet on the third Tuesday in April next following the election, or as soon thereafter as practicable.

Canvass of  
returns.

Certifi-  
cates of  
election.

#### APPOINTMENT OF OFFICERS

SEC. 15. The following shall be the appointive officers of the city, viz: Chief of Police, City Attorney, City Treasurer, City Engineer, Street Commissioner, and five Library Trustees, and all officers of boards created by ordinance.

Appoint-  
ive officers.

#### CITY CLERK

SEC. 16. It shall be the duty of the City Clerk to keep a record of the proceedings of the Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "Records of the Council." The proceedings of the Board of Equalization shall be kept in a separate book marked "Records of the Board of Equalization." He shall keep a book marked "City Accounts," in which shall be entered all moneys received by the city from all sources, and upon the debtor side shall be entered all deductions ordered by the Council and all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "Chief of Police's Account," in which he shall charge the Chief of Police with all tax lists and all licenses delivered to him. He shall credit the Chief of Police with the delinquent lists and licenses returned.

City clerk.  
Duties of.

Records  
kept by.

City clerk. He shall keep a correct account of all licenses, tax lists and assessments, and all taxes of every kind to be collected by the Chief of Police. He shall keep a book marked "City Attorney's Account," and shall charge the City Attorney with all claims and demands to be collected by him, and shall credit him with all moneys and uncollectible claims and demands returned by him. He shall also keep a book marked "City Ordinances," into which he shall copy all ordinances, with dates, certificates, signatures, and shall certify the same to be a true and correct copy of an ordinance of the City of Santa Rosa, giving the number, title, date of passage and approval, and certifying that it has been posted or published as required by law. Said record shall be prima facie evidence of the contents of the ordinance and of its passage, approval and publication or posting; and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "Demands and Warrants," in which he shall make an entry of every demand filed against the city and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the Chief of Police, taking his receipt therefor. He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take and certify demands against the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City of Santa Rosa." He shall make monthly reports in writing showing the receipts and expenditures during the month, and a full statement of the financial affairs of the city at least once a year. He shall perform all other duties required by law or the ordinances of the city, and shall furnish copies of any record or papers in his office on demand and upon payment of twenty-five cents per folio for the same together with fifty cents for the certificate and seal, all of which fees shall be paid into the treasury of the city.

## CITY ASSESSOR

City assessor. SEC. 17. It shall be the duty of the City Assessor, as soon after the first Monday of March of each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person, board or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by County Assessors. He

shall make out a list of all male persons over the age of twenty-one years and under the age of sixty years. He shall make a list of all dogs owned or kept within the city, the names of the owners or keepers. All of said lists shall be verified by his oath, and shall be returned to the Council on or before the first Monday of July in each year. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment, collect the taxes levied upon each dog, the street poll tax and the personal property tax from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the City Treasurer on the first and fifteenth days of each and every month, and shall make and deliver to the City Clerk at the same times lists of all persons from whom he shall have collected such taxes and the amounts collected from each person. He shall attend the sessions of the Board of Equalization, and shall make out on the assessment books any additions or corrections that the Board of Equalization may direct. The Council may by ordinance further define and declare his duties.

City  
Recorder  
Duties of.

## CITY RECORDER

SEC. 18. The City Recorder shall have the same civil and criminal jurisdictions as are conferred by the laws of the State of California on Justices of the Peace, and all laws of the State relating to procedure applicable to Justices of the Peace or Justice's Courts are made applicable to the City Recorder. The City Recorder shall also have jurisdiction over all violations of the ordinances of the city, and shall have power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city, as may be prescribed by such ordinances. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof. In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons so adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or in the county jail of Sonoma county. Appeals may be taken to the Superior Court from any judgment entered by the City Recorder in the same manner as is provided by law for appeals from Justice's Courts. All provisions of the Code of Civil Procedure and of the Penal Code of California relating to appeals from Justice's Courts are applicable to appeals from the judgment of the City Recorder, in civil and criminal cases respectively. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace. He shall have and use a seal, on which shall be engraved the arms of the State and the words "Recorder of the City of Santa Rosa." He shall have power to issue warrants, writs and summonses in all respects as if issued by a Justice of the Peace. He shall keep a docket.

City  
Recorder.  
Jurisdiction of.

All fines, fees and costs collected by him shall be paid into the city treasury monthly. He shall make reports monthly. The Council may by ordinance add to and further define his duties. Any Justice of the Peace of Santa Rosa Township shall possess the same powers herein conferred upon the City Recorder to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said Justices of the Peace shall not be construed as impairing, reducing or taking from the City Recorder any right, power or jurisdiction vested in him.

#### CHIEF OF POLICE

Chief of  
police.

Powers of.

SEC. 19. The Department of the Police shall be under the direction and control of the Chief of Police. He shall have all the powers given to peace officers under the laws of the State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults and disturbances. He shall have all the powers conferred upon Sheriffs by the laws of the State. His orders shall be promptly executed by the peace officers, or watchmen in the city, and every citizens shall lend him aid when required for the arrest of offenders and the maintenance of order and the protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the City Recorder, or to detain them, or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma county, or in the city prison of the city. He shall have the assistance of the police force of the city in the discharge of his duties; he shall be ex-officio tax collector and shall collect all taxes (not collected by the City Assessor as in this Charter provided), all licenses and all fines and penalties. He shall receipt to the City Clerk for all tax lists, tax receipts and tax books, and the total amount of taxes shown thereon to be collectible, and shall account monthly for all moneys belonging to the city received by him.

Ex-officio  
tax col-  
lector.

#### POLICEMEN

Policemen,  
appoint-  
ment of.

SEC. 20. The Mayor by and with the consent of the Council shall appoint the policemen, who shall be subject to the orders and be under the control of the Chief of Police. The policemen shall be conservators of the public peace, and shall have the same power in suppressing riots, tumults, affrays, and in making arrests, as is conferred upon the Chief of Police, and shall vigilantly see that the ordinances of the city are enforced, and shall receive such compensation as is now or hereafter may be provided by ordinance. They shall continue in office until removed by the appointive power.

Term of  
office.

## CITY TREASURER

SEC. 21. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor and countersigned by the City Clerk. He shall make monthly reports to the Council. He shall make quarterly settlements with the City Clerk, which shall be signed by each and read in a regular meeting of the Council and filed with the Clerk. He shall receive as compensation for his services an annual salary not to exceed three hundred dollars, payable in equal monthly installments, as shall be determined by the Council.

City  
treasurer.  
Duties of.

The Council shall have the power to abolish the office of City Treasurer and to create a City Depository for the deposit, care and safe keeping of the funds of the city whenever and in such manner as it may deem best, and to pass and establish by ordinance all needful means, methods and regulations for the same.

Council  
may abol-  
ish office.

## THE MAYOR

SEC. 22. The Mayor shall be a conservator of the peace, and shall have supervision over the affairs of the city. He shall take care that the laws of the State and the ordinances of the city are duly enforced. He shall preside at all meetings of the Council at which he is present. He shall have a vote only in case of a tie and his vote shall be recorded the same as that of a Councilman. He shall have the power to veto any resolution or ordinance of the Council. He shall sign all warrants drawn upon the City Treasury, and with the City Clerk execute for the city all contracts, conveyances and other instruments in writing to which the city is a party. He shall have power to administer oaths and take affidavits, and certify the same under his hand. The Mayor by and with the consent of the Council shall appoint all officers of the city not elective. The Mayor shall receive no compensation. The Council shall elect a Mayor pro tem., which election shall be entered upon the minutes by the City Clerk, whose duty it shall be to perform the duties of Mayor whenever the Mayor shall be absent from the city or shall be for any cause unable to perform the duties of Mayor.

Mayor.  
Duties of.  
President  
of council.

Veto  
power.

Appointive  
power.

Mayor pro  
tem., elec-  
tion of.

## STREET COMMISSIONER

SEC. 23. The Street Commissioner shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings and public grounds and the improvements thereof. He shall have general supervision of the sewer outlets and sewer farm, of the water works, water plant and water supply of the city. He shall see that all ordinances in relation to

Street com-  
missioner.  
Duties of.

the public streets, alleys, sidewalks, public grounds, sewers and water or lights of the city are duly enforced and observed. He shall superintend all public works ordered or carried on by the city. He shall be Health Inspector of the city, and shall look after all sanitary matters, and shall enforce all ordinances and regulations relating thereto. He shall have the custody and care of all tools and implements belonging to the city, and he shall care for and be responsible for the safe keeping of the same. The Street Commissioner shall receive as compensation such salary per annum as is now or hereafter may be provided by ordinance, which salary shall be paid monthly.

## CITY ENGINEER

City  
engineer.  
Duties of.

SEC. 24. The City Engineer shall do and perform all such things as may be required of him by ordinance or resolution passed by the Council, and the Council shall have power to impose upon the City Engineer such of the duties as are required by this Charter of the Street Commissioner as in its judgment is conducive to the best public service, and may impose such other and further duties on the City Engineer as it may desire.

## CITY ATTORNEY

City  
attorney  
Duties of.

SEC. 25. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city; to prosecute all cases of violation of the city ordinances, and shall represent the city in all suits, proceedings and legal matters in which the city may be a party interested. He shall have power in his official capacity to sign informations or charges against persons violating any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints. The City Attorney shall receive as compensation such salary per annum as is now or hereafter may be provided by ordinance, to be paid monthly.

Council,  
power to  
remove  
elective  
officers.

SEC. 26. The Council shall have power to and may remove for cause any elective officer provided for in this Charter; and when from any cause a vacancy shall exist in any elective office, the Council shall fill such vacancy until the next city election; the Mayor shall have power to remove or discharge at pleasure any employee of the city, and may remove any appointive officer with the consent of the Council; and when from any cause a vacancy shall exist in any appointive office or employment the same shall be filled by appointment by the Mayor by and with the consent of the Council.

## TERMS OF OFFICE

Terms of  
office.

SEC. 27. The Mayor shall hold office for two years and the Councilmen for four years from and after his or their election and until his or their successors have qualified.

The terms of all other officers shall be two years and until their successors shall have qualified.

The terms of all officers shall commence as soon as their commissions shall have been issued or their appointments confirmed, except that of the City Assessor, whose term of office shall commence on the first Monday of September next following his election.

The present officers of the city, other than the City Assessor, shall hold office until the expiration of their respective terms of office, and the term of the City Assessor now in office shall terminate on the first Monday in September next following the election of his successor.

#### SALARIES AND COMPENSATION

SEC. 28. Each member of the Council shall receive five dollars per meeting for each meeting of the Council attended, and five dollars per day for each day's actual attendance as a member of the Board of Equalization, *provided, however,* that the sum received by each for all services shall not exceed two hundred dollars in any twelve months. Any member attending a meeting of the Council or the Board of Equalization and leaving the same before completion of the labors thereof, shall have to be excused by the Council to be entitled to his compensation. All officers and employes, except as in this Charter provided, shall receive such salary and compensation as is now or may hereafter be provided by ordinance. No officer or employee of the city to whose office or employment is attached a salary or stated compensation shall receive any other or further salary or compensation for any service performed for the city.

Salaries.  
Council.

All other  
officers.

#### VETO

SEC. 29. When the Mayor approves an ordinance or resolution he shall sign his name thereto with the fact and date of his approval; if he disapproves the same he shall return it to the Council within ten days after its passage with his objections thereto signed by him; the Council may within one month thereafter put the same to vote again, and if the same shall then receive as many as five votes in its favor it shall become a valid ordinance or resolution, the same as if it had received the approval of the Mayor; but if it fails to receive as many as five votes in its favor it shall not be valid. If the Mayor fails or neglects to approve or disapprove any ordinance or resolution for ten days after its passage it shall be valid as if approved by him.

Mayor,  
approval  
of ordi-  
nances by.

Veto by.

Passage  
over veto.

#### OFFICIAL BONDS

SEC. 30. All official bonds shall be made payable to the City of Santa Rosa, in such sums and with such sureties as the Council may require, and shall be conditioned for the faithful performance of the duties of the office according to the Constitution of this State and the Charter and ordinances

Official  
bonds.

of the city. All officers shall give bonds and qualify within ten days after their election or appointment. The Council may at any time require additional sureties or a new bond from any officer, and if such officer shall fail for ten days after demand to furnish such new sureties or new bond, the Council may declare such office vacant, and another person shall be appointed to such vacancy. The Council shall fix the penalty of all official bonds, and shall require bonds to be given by the City Clerk, City Recorder, City Assessor, Chief of Police, City Treasurer, City Attorney and Street Commissioner. All bonds shall be approved by the Mayor and shall be filed by the City Clerk, and shall be preserved with the records and papers of his office.

#### POWERS OF THE COUNCIL

- Council, powers of.      SEC. 31. The Council shall have power to pass all such ordinances and make all contracts and do all things, not inconsistent with the Constitution of the United States and of this State, as they may deem necessary or desirable, as follows:
- Establish rules.      1. To establish rules for the government of the proceedings of the Council.
  - Punish for disorderly conduct.      2. To prevent and punish the disorderly conduct of any member of the Council or of any other person, committed in the presence of the Council.
  - Prescribe form of official bonds.      3. To regulate and prescribe the form, amounts, penalties and conditions of bonds of all the officials and employees of the city who may be required by this Charter or by ordinance or resolution to give bond, and the qualifications and number of sureties required thereon.
  - Establish police department.      4. To establish, maintain and regulate a police department for the city.
  - Establish chain-gang.      5. To establish, maintain and regulate a chain-gang and to authorize the working out thereon of fines of persons committed to prison for violating the ordinances and regulations of the city.
  - Establish fire department.      6. To establish, maintain and regulate a fire department for the city.
  - Establish water works.      7. To establish, maintain and regulate a municipal system of water works for the city, and to acquire any and all property necessary therefor.
  - Provide for lighting streets.      8. To provide modes and manner for lighting streets and public grounds and places.
  - Appropriation of fines.      9. To establish the manner of appropriating fines, penalties and forfeitures.
  - Establish hospitals, etc.      10. To establish and provide hospitals and work houses, and a city pound, and pass all laws necessary for the regulation of the same.
  - Regulate sale, etc., of oil, explosives, etc.      11. To provide for the measurement, weight and sale of coal oil, fuel oil, coal, hay, wood, powder, and all kinds of explosives.
  - Erect, lease, etc., buildings.      12. To build, purchase or lease buildings or grounds necessary for the use of the city.



13. To establish, maintain and regulate a city prison. Establish city prison.
14. To declare what are nuisances. Nuisances.
15. To license and regulate, or regulate without licensing, the sale of goods, wares, and merchandise, auctioneers, hotel keepers, ordinaries, restaurants, markets and market booths and stalls, taverns, bar-rooms, billiard tables, saloons, theatres, circuses, shows, concerts, and all other places of public entertainment or amusements, hawkers, peddlers, tippling houses, dram shops, pawnbrokers, livery stables, blacksmith shops, washhouses, tanneries, factories of all kinds, laundries, breweries, schools and college buildings, and all other places of education, bowling alleys, baggage wagons, hacks, cabs, carriages, bikes, automobiles, express and job wagons and other vehicles. License.
16. To regulate or prohibit dance houses, bawdy houses, houses of ill-fame, assignation houses and all other kinds of disorderly houses and places. Prohibit houses of ill-fame, etc.
17. To provide for the killing of vicious dogs, and dogs for which taxes have not been paid, and to provide pains and penalties for maintaining the same. Provide for the killing of dogs.
18. To levy and collect an annual tax on dogs, bulls, jacks, stallions, monkeys, any vicious animal, or any animal that gives annoyance or is offensive to the inhabitants of the city, kept within the limits of the city. Levy tax on dogs, etc.
19. To lay out, alter, establish, widen, construct, improve, reconstruct, pave, gravel, grade, macadamize, bituminize, repair and keep in order all streets, alleys, sidewalks, crossings and gutters, bridges, bulkheads, and to establish, change or alter grades of any street, alley, sidewalk, crossing, bridge, bulkhead, gutter, or vacate the same, or any part of the same. Lay out, etc., streets.
20. To ordain, establish and impose fines, penalties and forfeitures for the breach or violation of any ordinance or for non-compliance therewith, *provided* that no ordinance shall fix the fine for one offense above three hundred dollars or imprisonment for one offense at more than 150 days, *and provided further* that such ordinance may provide an alternative judgment of fine, or imprisonment one day for each two dollars of such fine, or cause the person so fined to work for the city in payment of such fine at the rate of two dollars per day. Impose fines.
21. To pass ordinances providing for elections by the qualified electors of the city submitting or to submit to them the question of levying such extraordinary tax as is not herein otherwise provided for by a direct levy or by issuing bonds therefor, as said Council shall find necessary for the city, and to levy the same if authorized at such election by an affirmative two-thirds vote of such electors voting thereon. Provide for elections for issuing bonds.
22. The Council shall be the general agent of the city, and as such shall have power to manage the business of the city and to do and perform any and all things in the name of and for the city that may be necessary in carrying on the government of the city within the letter and spirit of this Charter and not inconsistent with the Constitutions of the United General powers.

States and of the State of California, and to do all things necessary to carry out and discharge any power granted or duty imposed upon it by any provision of this Charter.

Operate street railways.

23. The city shall have the power at any time to construct, equip and operate all kinds of street or other railways that the Council may deem for the best interests of the city, and that the same can be operated by the city, over, upon and along any of its streets or alleys, notwithstanding franchises may have been heretofore, or may be hereafter granted to corporations or other persons for the purpose of exercising said right, and for the operation of said street or other railroads over the streets of the city, and whether or not said corporations or persons holding said franchises shall be operating any of said railways.

Regulate elections.

24. To regulate and provide for the holding of elections, for the election of officers and for all other purposes for which elections may be held under this Charter, and to prescribe the number and fix the places of polling booths for such elections, and number and official character of officers to conduct the same.

Right of eminent domain.

25. To acquire real property by exercise of the power of eminent domain in all cases and for all uses and purposes for which said power can be exercised by general law.

Establish police laws.

26. To pass and establish all such police, local and sanitary laws and regulations as in its opinion may be necessary for the welfare of the city.

#### POWERS AND DUTIES OF THE COUNCIL

SEC. 32. The Council shall have power and it is hereby made their duty to enact all such regulations, laws and ordinances and do all such things, not inconsistent with the Constitution of the United States and of the State of California, as may be necessary to accomplish the following things:

Collect and disburse funds.

1. To collect, control and disburse the funds of the city, except as otherwise provided in this Charter.

Care of property.

2. To manage, care for and preserve the property of the city.

Levy taxes

3. To levy all tax for city purposes.

Collect taxes.

4. To provide ways and means for the collection of all taxes, but shall not use or divert any tax or proceeds of a bond issue or sale or other fund belonging to said city for or to any purpose other than the purpose for which it is levied, issued, sold or received, until such purpose shall have been fulfilled, when it may pass any remaining surplus to any other fund.

Abate nuisances.

5. To provide for the removal or abatement of all nuisances within the city, whether such nuisances may be such by general law or by the ordinances of the city.

Regulate storage of explosives, etc.

6. To regulate or prohibit the storage of hay, oil, gunpowder and all other combustible or explosive material within the city.

7. To prevent disturbances of the peace.

Repair of sewers, etc.

8. To lay out, construct, establish, build, repair and keep in repair all necessary public sewers and drains in the city.

9. To prevent the running at large in the city of horses, swine, sheep, goats, mules and cattle, and the driving of bands of the same through or along any street or other way or place in the city, and provide pains and penalties therefor, and for impounding the same.

Prevent live stock running at large.

10. To prohibit slaughter houses or the slaughter of cattle, swine, sheep, goats or other animals within the city.

Prohibit slaughter houses.

11. To provide for the removal of all dirt, filth and obstructions from the streets, alleys, sidewalks and other public places in the city, and to punish for the depositing of stones, dirt, filth, offal, slop, garbage, sewage, and any and all obstructions in the streets, alleys, sidewalks, and other public places in the city; to prevent and punish for the depositing of dead animals, dirt, filth, offal, drainage of all kinds, garbage or sewage in Santa Rosa Creek within the city, and to provide pains and penalties therefor, and to prevent and punish for depositing any dead animal, filth, offal, garbage or sewage on any vacant lot or place, or in any cellar or vacant or unoccupied house in the city.

Remove dirt, filth, etc., from streets and public places.

12. To establish sanitary laws and regulations for the health of the city, and to provide for the appointment of Health Officers, and to do all things necessary to prevent the spread of infectious diseases, and to regulate plumbing and drainage in the city.

Establish sanitary laws.

13. By ordinance or resolution to fix water rates and to provide for the collection thereof, but they shall provide for furnishing water in a reasonable quantity free for domestic uses, but there shall be no free water for other than domestic uses.

Fix water rates.

14. To fix rates for the use of telephones, fix gas rates, water rates, street or other railroad fares, electric light and electric power rates, and rates for any other public utility that may be operated in the city, for sale, use or consumption in the city, once each year during the month of February, and gas, water, telephone service, electric light, electric power and street or other railroad service may be sold and operated in the city at and for the rates so fixed and not otherwise.

Fix telephone, gas, and water rates.

And in the event that any person, company or corporation shall charge or collect from any person, company or corporation, directly or indirectly, for gas, water, electric light or electric power, or for the use of a telephone or for street car fare any amount in excess of the rate therefor thus fixed by the Council, such person, company or corporation making such charge or collection shall forfeit its franchise and all right to do such business in the city, and the Council shall take all such steps and do all such things as may be necessary to enforce such forfeiture.

Forfeiture of franchise.

15. To grant franchises when in its opinion the public good requires it and to provide terms and conditions in each and every franchise upon which the same is granted, and to have such terms and conditions set out and clearly expressed in each and every such franchise.

Grant franchises.

Forfeit franchises.

16. To declare forfeited each and every franchise now in existence or that may be hereafter granted upon a breach of or non-compliance with the terms or conditions or any thereof of every such franchise, and said Council shall upon and after notice of ten days proceed to hear any charge made to it in writing by any resident of said city claiming a breach of or non-compliance with any term or condition of any such franchise, and the order of said Council entered on its minutes on such hearing shall be prima facie evidence of the fact set out in such order upon such charge.

Prevent exercise of franchise.

And if such charge be found to be true said Council shall proceed at once to effectually prevent any further exercise of the right of franchise granted thereby.

Hear charge.

And said Council must proceed to hear such charge within thirty days after the filing of such charge with the Clerk of the city.

Hear all charges against city employees.

17. To hear all charges that may be made by any resident of this city charging any officer or employee of this city with misfeasance or malfeasance in office, gross dereliction or neglect of official duty, or incompetency from any cause, such hearing to be had within thirty days after the filing of such charge with the Council, and upon notice to the officer so charged when such notice can be given, and upon finding that such charge is true such officer or employee shall be removed from his office or employment and his successor shall thereupon be appointed by the authority having the appointive power if such office is filled by appointment, and if elective such successor shall be elected by the Council until his successor is elected and qualified. And if any member of the Council shall have knowledge or information that any officer or employee of this city, including members of the Council, has been guilty of misfeasance or malfeasance in office or in such employment, or incompetency resulting from any cause rendering them unfit to fill such office, it is hereby declared his duty to report the same at once to the Council, whereupon charges concerning the same shall be formulated by the City Attorney or the Council and filed with the City Clerk, and the same proceedings had thereon as provided hereinabove in this section.

Removal from office.

Malfeasance or incompetency in office.

Charges formulated by city attorney.

Publication of notice.

If, for any reason personal service of the notice mentioned in this section cannot be made, the publication of such notice once a week for two weeks in some newspaper published in this city shall be for all purposes service equal to personal service, and shall give the Council the power to hear and determine such charge.

Attendance of witnesses.

In all proceedings before the Council it shall have power to compel the attendance of witnesses and the production of papers.

Compensation of officers.

18. To fix by ordinance the compensation of all officers and employees of this city not fixed by this Charter, and the compensation of any elective officer so fixed shall not be diminished or increased during a term of such office.

19. To prescribe by ordinance such duties and powers of officers and employees of this city as may not be prescribed by or inconsistent with this Charter.

Prescribe duties of officers.

20. To pass all such ordinances as may be necessary to regulate the entrances and exits of all churches, school houses, theatres and all public halls constructed or used for the assemblage of people for any purpose so as to make the same safe, and to enforce the same.

Regulate entrances and exits to churches, etc.

21. To maintain the Free Public Library of the city and to provide by ordinance for its maintenance, control and management, and to make all such other and further provisions in addition to those in this Charter as it may deem proper.

Maintain free public library.

SANTA ROSA FREE LIBRARY

SEC. 33. The Free Library of the city shall be under the control and management of five Library Trustees, who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Council. The office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation. Such trustees shall generally hold office for two years; *provided* that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the end of two years. Such appointment shall take effect on the first Tuesday in July. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States and of this State, and a resident of the city, shall be eligible to become a Library Trustee.

Free public library, trustees of.

Appointment.

Term of office.

Qualifications.

SEC. 34. The Council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the Board of Library Trustees, at a rate of not more than ten cents on the one hundred dollars, for the purpose of maintaining the Free Public Library and reading rooms and purchasing such books, journals and other publications and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in July of each year.

Council to levy and collect special tax.

SEC. 35. All money and revenue paid, collected or received for library purposes, whether by taxation, gift, devise, bequest or otherwise shall belong to and be known and designated as the "Library Fund," and shall be paid into the City Treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest.

Library fund.

Trustees to take charge of all property.

SEC. 36. The Board of Free Library Trustees shall take charge of all property belonging to such library and reading

rooms, or that may be acquired by loan, purchase, gift, devise or otherwise. The Trustees shall meet for business purposes monthly at stated times, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number President of the Board, and one of their number Secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes in writing of all their procedures.

**Meetings.** **Officers.** **Powers of trustees.** SEC. 37. Such Trustees, by a majority vote of all their members, shall have power :

**Enforce rules and regulations.** 1. To make and enforce all rules and regulations and by-laws necessary for the administration, government and protection of such library and reading rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed or donated to the same.

**Administer trusts, etc.** 2. To exercise and administer any trust, declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memories of such persons as are determined upon by the Board.

**Define duties of officers.** 3. To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

**Purchase books, etc.** 4. To purchase necessary books, journals, publications and other personal property.

**Order payment of money.** 5. To order the drawing and payment upon properly authenticated vouchers, duly certified by the President and Secretary, of money from the Library Fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

**Fix salaries.** 6. To fix the salaries of the Librarian and assistants, to furnish and equip such rooms and buildings as may be necessary for such library and reading rooms.

**Demands to be paid by treasurer.** SEC. 38. The orders and demands of the Board of Free Library Trustees, when duly made and authenticated as above provided, shall be paid by the Treasurer of the city out of the Library Fund.

**Annual report.** **Report of secretary.** SEC. 39. The Trustees of such library and reading rooms, on or before the second Tuesday of July in each year, shall make an annual report to the Council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used and expended; the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the year, the number lost or missing, the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the Secretary of the Board of Library Trustees, duly verified.

## REVENUES AND TAXATION

SEC. 45. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the City Treasury. Taxes shall be due and payable the first Monday in October.

Revenues and taxation.

SEC. 46. A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for library purposes, shall not exceed one dollar on each hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for library purposes not to exceed ten cents on each hundred dollars thereof. Also a tax shall be levied sufficient to meet the interest and principal of the bonded indebtedness against the city for the ensuing fiscal year.

General tax to be levied.

Rate of taxation.

SEC. 47. The Tax Collector is hereby authorized and required to collect annually the street tax of two dollars from all male citizens between the ages of twenty-one and sixty years residing within the city, and annually a tax of not less than two dollars from each person keeping or owning a dog within the city, when the same has not been collected by the City Assessor.

Tax collector to collect a street tax and a tax on dogs.

SEC. 48. All taxes of every kind shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

Tax to be a lien.

## THE RATE OF TAXATION

SEC. 49. On the first Tuesday of August of each year, or as soon thereafter as may be, the Council shall fix the rate of taxes, designating the number of cents on each hundred dollars of the valuation of taxable property within the city. They must fix the rate of tax for general purposes, determining the amount to be apportioned to the street, sewer, and water works funds, and to any other fund which they may establish. They shall fix the rate of tax for the Public Library such as will raise in taxes for this purpose the amount specified by the Board of Library Trustees, not exceeding ten cents on each hundred dollars; they shall fix the rate of tax for the payment of interest and principal of all bonded indebtedness to be paid.

Council to fix rate of taxes.

SEC. 50. As soon as the Council has fixed the rate of taxes for the fiscal year, the Clerk must complete and enter in a separate column in the assessment book the respective sums to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the first Monday in September he must deliver said corrected and completed assessment book to the City Tax Collector, and charge the collector with the full amount of the taxes levied.

Clerk to prepare assessment book.

The city shall have all the rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given or exercised by the people of the State of California, for

City to have claims and liens.

and on account of the assessment of the State and County taxes levied in Sonoma county.

Assessor to collect taxes on personal property.

SEC. 51. It shall be the duty of the Assessor while assessing to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of tax levy for the preceding year. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess at said reduced valuation must be repaid to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said Board, then the deficiency must be collected as other taxes on personal property are collected.

Money to be repaid.

#### DELINQUENT TAXES

Delinquent taxes, how collected.

SEC. 52. On the last Monday in November of each year, at five o'clock P. M., all taxes then unpaid shall be and become delinquent, and thereafter the Tax Collector must collect for the use of the city an addition of ten per cent thereon.

Taxes, when delinquent.

SEC. 53. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The Chief of Police shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the manner as near as may be (except as to the time and place of sales), as is provided by the laws of the State for the sales of property for delinquent State and County taxes by the Tax Collector of the county. If there be no purchaser for any property offered for sale at such sales, such property shall be sold to the city, and the Chief of Police shall make an entry opposite to such property "Sold to the City of Santa Rosa." Any person may be a purchaser at any such tax sales. The manner of proceeding under such sales shall be as near as may be in conformity to the laws of the State governing tax sales. The Chief of Police shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or by any ordinance of the city, he shall execute, acknowledge and deliver a deed to the purchaser or to his assigns with such recitals as may be provided by law for sales for State and County taxes, or by any ordinance of the city. All deeds for land sold for taxes shall have the same force and effect as Sheriff's deeds and shall be received in evidence in all courts, and shall be prima facie evidence that all of the provisions of the Charter, laws and ordinances in relation to the assessment and collection of taxes have been fully complied with. The Chief of Police shall have a credit for all taxes not collected by him on such delinquent

Chief of police to make list of delinquent taxes.

Property, how sold.

Chief of police to issue certificates of sale.

Deeds prima facie evidence.



list, which he could not by the use of diligence collect, or which shall not be realized on the sales. The Council may, by ordinance, provide additional or other legislation for the collection of taxes or sales of property for delinquent taxes, or may provide a different procedure of manner for the collecting of delinquent taxes than is herein provided. The Council may direct the City Attorney to enforce the lien for delinquent taxes by suit in any court having jurisdiction, and have the said property sold in the manner required by law. The assessment list is authority for the Chief of Police to collect all taxes and to seize upon personal property for the collection of street poll tax or personal property tax not collected by the City Assessor, and to levy upon or seize and sell the property for such tax or any taxes unpaid and realize the money due therefor. All taxes, penalties and fines shall be payable in gold coin of the United States.

Council may provide other means for collection of taxes.

Assessment list authority for chief of police to seize property.

#### BOARD OF EQUALIZATION

SEC. 54. The Council shall meet at their usual place of holding meetings on the second Monday in July of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until their labors are completed. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list shall be the assessment roll or list for the taxes for said year.

Council to sit as board of equalization.

Time of meetings and powers.

SEC. 55. Authority is hereby conferred upon the Council, in lieu of the provisions of this Charter, or any ordinance, to adopt and accept for the assessment and collection of the taxes of the city the general law of the State entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a Charter framed under section eight, article eleven of the Constitution," approved March 2, 1894, and amendments thereto. The Council shall have power by ordinance to adopt, accept or come under the said general law and amendments thereto, or any law or provision which may be passed by the Legislature for the assessment or collection of taxes; and when so adopted, it shall be and become valid and binding as the law for the assessment and collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the Council shall pass all ordinances to carry out all of the provisions of such laws; and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation for any officer charged with the duties of assessing and collecting taxes under this Charter or under the ordinances of the city.

Additional authority of council.

Council to pass ordinances.

May reduce salaries.

Council may call election to incur debt for improvements.

SEC. 56. Whenever the Council shall determine that the public interest requires the construction of any permanent municipal building, work, sewer, water or light system, purchase of property, or improvements of any nature, the cost of which, in addition to other expenditures of the city, will exceed the income and revenue provided for in one year, they may call an election and submit to the electors of the city a proposition to incur a debt for such purpose, and proceed therein as provided in Section Eighteen of Article Eleven of the Constitution of this State, and as provided in this Charter; *provided*, that no bond issue therefor shall be disposed of otherwise than sold for cash at not less than par value, and to the highest bidder after advertising for sealed proposals therefor.

Bonds, how sold.

Bonded indebtedness limited.

SEC. 57. The city shall be limited in the matter of bonded indebtedness to ten per cent of the assessed value of all property within the city limits.

#### INCURRING BONDED INDEBTEDNESS

Council to call an election to incur indebtedness.

SEC. 61. If at any time the Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election at a general or special election, by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in the city. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting on such proposition at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Council to pass an ordinance providing for creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within the city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than forty years from the time of contracting the same. It shall be the duty of the Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this Charter authorized to be levied.

Notice to specify amount, etc.

Publication of notice.

Council to pass ordinance creating indebtedness.

Council to levy and collect tax.

#### FISCAL YEAR

Fiscal year.

SEC. 62. The fiscal year of the city shall commence on the first day of July of each year and shall end on the last day

of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

## CLAIMS AGAINST THE CITY

SEC. 63. All bills, claims and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim, unless otherwise provided in this Charter, shall be filed by the City Clerk, who shall present it to the Council, and they shall allow or reject the same in whole or in part. No bill, claim or demand shall be allowed in whole or in part unless so made out and verified. No action shall be commenced against the city unless the said bill, claim or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until three months after such filing, *provided* that if the same is rejected in whole or in part suit may be at once commenced thereon, and if the same is not acted on by the Council within three months after the same is filed suit may thereafter be commenced, and if no more is recovered against said city than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within six months after the expiration of said three months, the bill, claim or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever.

Claims and demands to be verified.

City clerk to present claims to council.

Suit against the city.

Action, when commenced.

Costs.

Actions, when barred.

SEC. 64. Warrants on the treasury shall be drawn by the City Clerk for all bills, claims or demands allowed by the Council, which shall be signed by the Mayor and countersigned by the City Clerk, and shall be numbered and paid in the order of their numbers.

Warrants, how drawn.

## EMINENT DOMAIN

SEC. 66. Whenever a petition praying for the establishing, laying out, extending, widening, altering or opening of any street, lane, road, sidewalk, public square or public park, or for acquiring land therefor, or for acquiring any water system plant, land, water, water rights, rights of way, pipes, conduits and any and all easements, rights, privileges or appurtenances, or for acquiring any electric or gas plants, land, buildings, grounds, poles, pipes, wires, easements, and any and all rights of way, privileges or appurtenances for the supplying or furnishing additional water or water plant, or electric light plant, or lights either of gas or electricity for said city or the inhabitants thereof, or for putting in, establishing, erecting or carrying on any electric or gas works for the purpose of lighting said city, or furnishing the inhabitants thereof with gas or electricity, or for exercising the right of Eminent Domain for any other purpose or use, signed by twenty-five or more resident citizens of said city, shall be presented to

Eminent domain.

Petition for public improvements, how formulated.

the Council, it shall be read in Council, and the hearing thereof set for the next regular meeting of the Council, and all owners and claimants of the property affected by the said proceedings shall be given five days notice of the pendency of such proceeding and of the time and place of the said hearing of the same, and at the time fixed for the hearing of said petition, or to which the hearing thereof may be adjourned, the said petition and any and all protests, if any, shall be read, considered and acted on in open session; and if the Council shall deem the proposed establishing, laying out, extending, widening, altering, or opening of the street, lane, alley, road, sidewalk, public square, or public park, or for acquiring land therefor, or for acquiring any water system, plant, land, water, water rights, rights of way, pipes, conduits and any and all easements, rights, privileges, or appurtenances, or for acquiring any electric or gas plants, land, buildings, grounds, poles, pipes, wires, easements, and any and all rights of way, privileges or appurtenances, for the supplying or furnishing additional water, or a water plant or lights, electric light plant, or lights either of gas or electricity for the city or the inhabitants thereof, or for exercising the right of Eminent Domain for any other purpose or use, prayed for in the petition, to be a public necessity, they shall so declare by resolution entered upon their minutes, and shall order a survey to be made by a competent person, who shall make a survey and diagram of the same and report it to the Council. The diagram and survey shall show the location and description of the particular rights, privileges or property which it is proposed to acquire for any of the purposes herein stated, and the land or property of each owner affected thereby, and the boundaries of the land and a general description of the property proposed to be taken.

SEC. 67. Upon filing said survey and diagram the City Clerk shall issue a notice directed generally to all persons interested, setting forth that such petition has been filed, and the action of the Council thereon, and that the survey and diagram has been made and filed, and that the same were in his office, open to the inspection of all persons interested and that proceedings would be instituted against non-consenting property owners for the condemnation of the property required for public purposes or public use. Said notices shall be served on the non-consenting property owners and may be served by any competent person above the age of twenty-one years by delivering a copy thereof to the person to be served, or by posting the same in a conspicuous place on the land of such non-consenting property owner, and by publishing the same in a daily newspaper published in the city for five days. If any such owner shall not, within ten days after such service of said notice, either donate, sell or relinquish such land to the city for the purposes proposed, proceedings for condemnation shall be commenced in the name of the city in the court having jurisdiction.

Council to act, how.

Petition and protests, how acted upon.

Declaration of council.

Diagram and survey.

City clerk to issue notice.

Notices, how and by whom served.

Condemnation proceedings.

SEC. 68. Any and all occupants and owners, or persons having any interest in the land sought to be condemned, may be joined as parties in the suit; and one action shall be sufficient against all persons owning, claiming or having any interest in the land or property sought to be taken.

Joining parties in suit.

SEC. 69. The record of the passage of the resolution of the Council declaring the work a public necessity for public use, or if the land or property sought to be taken is already a public use or quasi-public use that the purpose for which it is sought to be taken is of higher and greater public use, and that the taking of the land for the purposes, as herein provided, is a public use and is necessary, or that the taking thereof in such proceeding is of a higher and greater public use than that for which it is being used, shall be conclusive of the fact, and it shall also be conclusive that the petition was in due form and had been signed by the requisite petitioners; and it shall be prima facie evidence that the notices were in due form, and were served in all respects as required by law, and that the acts and things required to be done up to the passing of the resolution or making the order had been done in all respects as required by law. The right and jurisdiction to take and acquire any property rights as herein stated shall extend to and cover any such property rights, whether within or without the corporate limits of the city.

Resolution of council conclusive that petition was in due form.

Jurisdiction within or without limits of city.

#### PUBLIC STREETS, COURTS, PARKS, SIDEWALKS

SEC. 70. All streets, sidewalks, lanes, alleys, places, courts, public squares or public parks now open or dedicated, or which may hereafter be opened or dedicated to public use, and all that have been used by the public for five years without interruption, shall be deemed and held to be open public streets, sidewalks, lanes, alleys, places, courts, public squares and public parks, and the Council is authorized, empowered and has the right and jurisdiction to establish or change the grade of such streets, sidewalks, lanes, alleys, places, courts, public squares and public parks, and to fix the width and boundaries thereof, and to exercise full control over the same.

What to be deemed open and public streets, etc.

Jurisdiction of council.

#### WORK UPON STREETS, SIDEWALKS AND PUBLIC PLACES

SEC. 71. Whenever the public interest or convenience shall require, the Council is authorized and has the power and jurisdiction to order the whole or any portion of the streets, sidewalks, lanes, avenues, alleys, courts, public squares, places or public parks to be graded, graveled or regreveled, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, or otherwise improved; and to order sidewalks made, placed or constructed, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be laid, repaired, or improved; or to order any other work to be done which shall be necessary to complete the improvement of the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, places, public squares or public parks.

Power of council to improve streets, etc.

## WHEN WORK CAN BE DONE

Council to publish notices of work to be done.

SEC. 72. Before ordering any of the work or improvement mentioned in Section 71 of this Charter the Council shall pass a resolution of intention so to do, describing the work or improvements to be done, and a copy of said resolution, with the date of its passage, shall be posted in a conspicuous place on or near the front of the building in which the sessions of the Council are held, or published for five days in a daily newspaper published in the city, and notices of a passage of said resolution signed by the Street Commissioner shall be posted conspicuously along the line of said proposed work at not more than one hundred feet in distance apart, and not less than three notices in all. Said notices shall be headed "Notice of Street Work" in letters of not less than one inch in length and in legible characters, stating the fact of the passage of the resolution, date of passage, and briefly the work proposed to be done, and shall refer to the resolution for further particulars. Said notices shall be posted at least ten days. The owners of two-thirds of the frontage of the property fronting on said proposed work, when the same is for one block or more, shall have twenty days from the first day of posting of said notice within which to make and file with the City Clerk written objections to the proposed work or improvement. Upon receiving such written objections, the City Clerk shall endorse thereon the date of their reception by him, and such objections shall be a bar for six months to any further proceedings in relation to the doing of said work, unless the owners of two-thirds or more of the frontage as aforesaid shall meanwhile petition for the same to be done. When not more than two blocks, including street crossings or intersections, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on one or both sides upon said street has been so graded or otherwise improved, said Council may order such work or improvement mentioned to be done upon said ungraded or unimproved part of said street notwithstanding such objections, and said work shall not be stayed or prevented by any written objections, unless the Council shall deem the same proper.

Form of notices.

Bar to proceedings.

Council to order work.

Jurisdiction of council.

Estimates to be furnished.

At the expiration of the said twenty days, if no written objections by the owners of two thirds of the frontage to the work of improvement in said resolution proposed to be done has been delivered to the City Clerk as aforesaid, or if any written objections signed or purporting to be signed by the owners of two thirds of the frontage is disallowed by said Council, as not of itself barring said work, the Council shall be deemed to have acquired jurisdiction to order any of the said work to be done, and all persons in interest shall be deemed to have had full notice and full opportunity to be heard, and shall be concluded from further hearing or objections. Before passing any order or resolution for the construction, making or doing of said work, plans and specifications and estimates of the costs and expenses thereof shall be furnished by the City Engineer.

## STREET WORK IN CERTAIN CASES

SEC. 73. If in the opinion of the Council the public necessity requires any of the work mentioned in Section 71 of this Charter to be done, and that it is of more than local or ordinary benefit, the Council shall have power and jurisdiction in such case to order such work to be done, and to pay a portion or all of the costs and expenses thereof out of any available funds in the city treasury; but the Council shall have power to apportion the whole of the costs and expenses of such work or improvement against the owners of property fronting on the line of such work or improvement according to the frontage of lots or land owned by each respectively. And if a portion is paid out of the city treasury the remainder of such costs and expenses shall be apportioned to and charged against the owners of property fronting on the line of said work or improvements authorized in this Section, according to the frontage of lots or land owned by each respectively. If a portion or all of the costs and expenses of the work is to be apportioned and collected from the owners of the lots or land fronting on such improvement, the Council shall comply with all of the provisions of Section 72 of this Charter in relation to the passage of a resolution of intention, posting of notices, filing of written objections, giving notices of hearing, making the order, and the acts and things required in said Section to be done shall be done and performed in the same manner as is required when the whole of the costs and expenses of the said work is to be paid by the owners of property fronting on the line of the work.

Council to order payment of costs and expenses.

Council to apportion costs and expenses.

Council to comply with Section 72 of charter.

## WHO MAY PETITION

SEC. 74. The owners of two-thirds of the frontage of lots and lands fronting on any street, sidewalk, avenue, lane, alley, place or court, or of lots of land liable to be assessed for the costs and expenses of the work which may be ordered, or their duly authorized agents, may petition the Council to order any of the work mentioned in this Charter to be done, and the Council may order the work mentioned in this Charter to be done; in which case the Council shall proceed under Section 72 of this Charter, and all of the provisions of said Section 72 shall be complied with the same as though no petition for said work had been filed.

Owners to petition council.

Council to proceed under Section 72 of charter

## HOW COSTS ARE APPORTIONED

SEC. 75. When all of the costs and expenses, or a portion thereof, for the work in this Charter provided is for work done upon any street, lane, alley, or sidewalk, and the same is to be apportioned and charged against the owners of property fronting on such work, such costs and expenses shall be apportioned to, charged against and collected from the owners of the property fronting upon the line of the work ordered to be done, and such owners shall be liable for such costs and expenses for all of the work embraced in the resolution or

Costs and expenses to be apportioned.

order, and such costs and expenses shall be apportioned against and collected from the owners of property fronting on the line of said work. In all cases of apportioning the costs and expenses against the owners of property, it shall be according to the number of front feet owned by each respectively. The costs of such work on street crossings or street intersections shall be paid by the city.

Frontage to control.

#### SEALED BIDS OR PROPOSALS

Street commissioner to make specifications.

Notices to be posted.

Bids, how certified.

Power of council to accept or reject bids.

Rights of owners and bidders.

Bidder's rights and council's power.

SEC. 76. Before ordering any contract to be let for any work provided for in this Charter the Street Commissioner shall cause specifications to be made, one copy to be kept by the City Clerk in his office for the inspection of bidders, and cause a copy and a notice to bidders to be posted conspicuously for five days on or near the front of the building in which the sessions of the Council are held, inviting sealed bids for doing the work, and shall also cause a like notice to be posted up in at least two other public places in said city, and referring to the specifications posted or on file with the City Clerk. All bids offered shall be accompanied by a check payable to the order of the Mayor, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the bid. Said bid shall be delivered to the City Clerk, and the Council shall, in open session, examine and publicly declare the same. The Council may reject any and all bids, and shall have the right to select the lowest responsible bid and to award the contract to the bidder thereof. The checks accompanying all bids not accepted shall be returned to the bidders who gave them; but the checks accompanying the accepted bid shall be held by said Clerk until the contract for doing said work has been duly entered into and the bond required shall be given and accepted by the Mayor, or until the owners of a majority of the frontage on said work shall elect to take the contract at the same bid, which they may do in five days after the bid has been announced; but if the bidder fails, neglects or refuses to enter into contract to perform said work for three days after the expiration of the five days allowed to property owners to take the bid, then the said check accompanying his bid and the amount therein mentioned shall be declared forfeited to and become the property of the city.

The owners of a majority of the frontage of lots and land upon the line of said proposed work may, within five days from the declaring of the bid, elect to take said work and to enter into a written contract to do the whole work at the same bid, but should they fail to enter into a contract within the five days allowed for that purpose, then the successful bidder shall within three days thereafter enter into a contract with the city to do the work, and at the price specified in his bid. But should such successful bidder fail or neglect to enter into such contract in the time limited, the Council



shall have the right to declare the bid off, and the certified check and the money thereunder shall be forfeited to and become the property of the city, and shall be paid into the treasury, and the Council shall again give notice for bids for said work as in the first instance, and shall award the contract to the then lowest responsible bidder. At the time of executing any contract for work as herein provided, each contractor shall execute a bond to the satisfaction of the Mayor, with two or more sureties, payable to the city, in such sums as the Council shall deem adequate, conditioned for the faithful performance of the contract. The Mayor is hereby authorized, in his official capacity, to take and receive all written contracts and bonds authorized under this Charter and to do and perform any act required in relation thereto.

Contractor to execute bond.

Mayor to receive contracts and bonds

SEC. 77. In case the Council is not satisfied with any bid or bids that may have been made for the construction and performing of the work it may, in case the owners of the majority of the frontage of lots and land do not elect to take said work and to enter into a written contract to do the whole thereof at a price agreeable to the Council, that then the said Council shall have the right to elect to do the work in the name of and for the city, and if for any reason the Council is of the opinion that better work will be done and better material furnished and that it will be for the best interests of the city to have the work done in the name of and by the city, that then the Council shall have the right, and it shall be its duty to do and perform such work and pay therefor out of the proper funds of the city, and the city shall have a lien upon all property fronting upon said street or streets, sidewalks or alleys where the said work shall be done, and the same shall be apportioned as in Section 75 set forth, and the same shall be collected in such manner as the Council shall direct.

Council's powers as contra property owners.

Further powers of council.

SEC. 78. The Street Commissioner shall superintend any work herein authorized to be done which shall be commenced and prosecuted with diligence until completed, and the Council may, for good cause, extend the time. The work must be done under the direction and to the satisfaction of the Street Commissioner. The materials used and the work done must comply with the specifications and to the satisfaction of the Street Commissioner. Neither the city nor any officer thereof shall be liable for any portion of the costs or expenses of the work, nor for any delinquency of persons or property assessed or liable therefor, except as provided in Sections 73, 75 and 77 of this Charter. The Council may by ordinance prescribe the materials to be used and the mode of executing the work under all contracts in relation thereto. The assessment and apportionment of the costs and expenses of all such work shall be made by the Street Commissioner.

Street commissioner to superintend work.

Liability of city or officers.

Council to prescribe materials.

SEC. 79. Where the work done is the building, making or laying of sidewalk and curbing thereto on one side only of the street, or is work done on one side of the center line of a street,

Work to be assessed.

lane or alley, the lots and land fronting on that side on which the work is done only shall be assessed.

Powers of property owners by permission of council, under supervision of street commissioner.

SEC. 80. When the width and grade of any street and sidewalk has been established the owner or owners of property thereon may, by permission of the Council and under the supervision of the Street Commissioner, do the work of grading, graveling, macadamizing, paving or improving such street, and may grade such street to the established grade and gravel, macadamize, pave and put the same in order, and may make, lay and build sidewalks in front of their said property, if done to the satisfaction of the Street Commissioner, and in conformity to existing ordinances, rules and regulations and plans approved by the Council. The expense of such work in this Section mentioned shall be borne by such owners of property according to frontage.

Expense of work.

ASSESSMENT FOR WORK

Street commissioner to make assessment.

SEC. 81. After the completion of any work done under contract as in this Charter provided, and where the owners of property fronting on the line of the work are to pay or be charged with the costs and expenses of the whole or a portion thereof the Street Commissioner shall make an assessment to cover the sum due for the work performed, including incidental and other expenses. Such assessment shall briefly refer to the contract, the work performed thereunder, the rate per front foot, the amount of each assessment and the amount each owner must pay and the name of the owner of each lot, if known: if not known, the word "Unknown" shall be written opposite to the number of the lot and the amount given thereon, the lot or portion of a lot and the front feet of each owner so far as can be ascertained, and the total number of front feet fronting upon the work, and liable for the assessment. The assessment shall have a diagram attached showing the location of the lots, the frontage of each owner, the street, cross streets and the number of feet assessed for said work. The said assessment shall have attached thereto a warrant signed by the Street Commissioner and may be substantially in the following form: "By virtue hereof, I (name), Street Commissioner of the City of Santa Rosa, County of Sonoma, State of California, do authorize and empower (name of contractor), or his assigns, to demand and receive the several assessments upon the assessment roll and diagram hereto attached, and this shall be his (or their) warrant for the same. (Date and signature)." The assessment diagram and warrant attached shall be recorded in the office of the City Clerk, and shall be a lien upon the lots of land assessed respectively for one year from its date, and from and after the same shall be recorded all persons shall be deemed to have notice of its contents. If payment shall be made after such recording, satisfaction may be entered on the record thereof and the lien discharged. The lien, in any case, shall have no force or validity whatever after the expiration of said one year unless suit to foreclose the

What assessment must contain.

Word "unknown."

Contents of assessment, and form thereof

Manner of recording lien.

Satisfaction of lien.

same shall have been commenced thereon within that time. At any time after the period of thirty days from the date of the warrant the contractor or his assigns may sue in his own name and foreclose the lien against the owner or persons having any interest in the lots or portion of lots of land assessed, and recover the amount of the assessment remaining unpaid, interest and costs, and also the sum of fifteen dollars as attorney's fees for foreclosing such lien. Such suit may be brought in the Superior Court of the County of Sonoma, State of California, and summons shall issue and be served in the manner required in other cases. Said warrant, assessment and diagram shall be prima facie evidence of the regularity and correctness of the assessment and the correctness of all of the proceedings, and of all of the acts, resolutions and orders of the Council, and like evidence of the right of the plaintiff to recover in the action, and the said court shall have power to adjudge and decree a lien upon the lots of land and premises for the whole amount due from each lot owner, and to order the same to be sold on execution, as in other cases of the sale of real estate by the process of the Court. Such sales shall be conducted in all respects in the same manner, as near as may be, and with like effect, as sales on execution, and the Sections of the Code of Civil Procedure of the State of California in relation to sales on execution, certificates of sale, redemptions, deeds, and all other proceedings thereon, are made applicable hereunder. Such premises, if sold, may be redeemed as is provided by law in other cases. The Code of Civil Procedure of California governing appeals to the Supreme Court in civil cases shall apply to such cases. All provisions of this Charter regulating street work shall be liberally construed, and all presumptions shall be indulged in favor of upholding the proceedings. If the work has been done substantially as required by the contract, no irregularity, error or mistake in any of the proceedings, or any disregard, violation of or failure to comply with any of the requirements of this Charter, or of any law or ordinance of the city, shall be a defense to the action to foreclose any lien provided for in this Charter, or to any action to recover the amount of the assessment.

SEC. 85. The Council may by ordinance provide any other or different procedure for the collection of the amounts due under the assessment for work done under this Charter.

SEC. 86. The Council shall have the power to acquire for the city and the inhabitants thereof by purchase, condemnation or otherwise, telephone lines, systems and appliances, street rail and other roads, electric light works, water works, gas works, steam plants or other power plants, or any other public utility, and all appliances for operating the same, and to operate and carry on the same, to purchase or construct buildings necessary for the use and operation of the same, and all necessary machinery and appliances for any works belonging to the city, and shall have the power to lay wires, pipes

Time of commencement of suit.

Place of suit.

Prima facie evidence, rights of plaintiff and power of court.

Manner of conducting sales, and redemption.

Provisions of charter to be liberally construed.

Council's power to collect.

Public utilities to be acquired by council.

and mains and construct all such appliances as may be needed in operating the same inside and outside of the city, for the city and the inhabitants thereof, and for sale to said inhabitants, and for sale outside the city, and to operate the same and to sell water, sewage, gas, electric light or power, telephone service, or steam power, and the products of any other public utility operated by the city inside or outside the city, but shall not sell or deliver outside the city any such telephone service, water, gas, electric light or electric power, or the product of any other utility operated by the city until the demand for the same by the city and the inhabitants thereof shall have first been supplied.

SEWERS AND DRAINAGE

Council to prescribe location, materials, etc.

SEC. 88. The Council shall have power to prescribe the location, form and materials to be used in the construction, building, making or repairing of all public sewers, manholes, sinks, drainage, cesspools and appurtenances belonging to the drainage system, and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof. The Council shall have power to construct, make, lay and build sewers, manholes, sinks, drainage cesspools and outlets. Contracts for all said work shall be based upon plans and specifications adopted by the Council, and shall be let to the lowest responsible bidder, unless the Council shall elect to do the work in the name of and for the city. The Council shall provide by ordinance for the manner of letting contracts and the doing and completion of work under this Section. The work mentioned in this Section shall be done under the supervision of the Street Commissioner. The Council shall provide for the payment of the contract price for the work in this Section provided for in accordance with the contract and upon approval by the Street Commissioner.

Contracts for work.

Street commissioner to supervise work.

ORDINANCES

Ordinances to be published.

SEC. 89. All ordinances shall be published in some daily newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the Council shall prescribe a different time in which they shall take effect.

Ordinance, how signed.

SEC. 90. All ordinances shall be signed as near as may be, in the following form, viz: "In the Council, finally passed this.....day of.....A. D..... Attest.....City Clerk. Approved this.....day of.....A. D....., .....Mayor of the City of Santa Rosa." Ordinances shall commence with the following enacting clause, viz: "The Council of the City of Santa Rosa does hereby ordain as follows:"

Enacting clause.

Effect of orders and resolutions.

SEC. 91. All orders and resolutions duly passed shall have the same force and effect as ordinances. No ordinance, resolution or order shall be declared passed or adopted without the affirmative vote of a majority of the members of the Council present, including the vote of the Mayor in case of a tie.

## SCHEDULE

SEC. 96. No Councilman or other officer or employee of the city shall be or become, directly or indirectly, interested in any contract to which the city or any officer thereof in his official capacity is a party; or in any work or the sale of any article the cost or price of which is payable from the city treasury; or in the sale, purchase or lease of any real estate or other property sold or leased to or by the city and any such contract, sale, purchase or lease in which any officer or employee is interested, in violation of the provisions of this Section, shall be void as to the city. Any officer or employee of the city violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner prescribed by law, and in addition thereto shall forfeit his office or employment.

Officers of city not to be interested in contracts.

Punishment.

SEC. 97. If any officer or employee of the city absents himself from the city for a period of thirty days or more without first obtaining permission of the Council his office shall be declared vacant or his employment terminated.

Officers' absence from city.

SEC. 98. That after this Charter goes into effect no livery stable, public laundry, tannery, glue factory, cannery, winery or brewery shall be located or established in this city, without the written consent of two-thirds of the resident heads of families within three hundred feet of the proposed place of such location, and also without the consent of the Council given in open Council and recorded on the minutes.

What business to be established, and how.

SEC. 99. The word "city" or words "the city" or "this city" whenever used in this Charter means and shall be always understood to mean the City of Santa Rosa, in Sonoma County, State of California.

Meaning of certain words.

SEC. 100. All public lighting, material, supplies and articles required by the city or any department thereof of the value of one hundred dollars or more, and all printing and publishing and stationery supplies, shall be contracted for, purchased or obtained at the lowest bid after ten days notice.

Supplies to be contracted for.

Contracts for public lighting, printing and publishing shall be for periods of not less than one year.

SEC. 101. The Council shall by ordinance or resolution prescribe the penalty and conditions of all bonds required of contractors or other persons performing contracts or doing work for the city. No member of the Council, nor shall any city officer, be a surety on any bond to the city, or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done or for materials furnished or used by the city in any work done under the direction of the city.

Penalty and conditions.

Surety on bonds.

SEC. 102. No city officer shall contract any debts or incur any indebtedness or liability against the city without authority from the Council.

Debts, how contracted.

EXISTING LIABILITIES

Contracts before adoption of charter.

SEC. 103. All contracts, obligations or liabilities now existing, or that have been incurred or entered into by or with the city before this Charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof.

PROPOSAL OF THE CHARTER

Proposal of charter.

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred, and less than ten thousand inhabitants, did, on the 6th day of April, in the year of our Lord, one thousand nine hundred and four, at a general election held under and in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, did elect the undersigned a Board of Fifteen Freeholders to prepare and propose a Charter for said city.

Freeholders' certificate.

Now, therefore, be it known, that in pursuance of the Constitution and within a period of ninety days after such election, the said Board of Fifteen Freeholders has prepared, and does propose the above and foregoing as the Charter for the said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the Charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma County, California, this 28th day of June, A. D. 1904.

ALLEN B. LEMMON,	[Seal]
JAMES W. OATES,	[Seal]
JNO. TYLER CAMPBELL,	[Seal]
J. S. SWEET,	[Seal]
J. W. JESSE,	[Seal]
J. M. THOMPSON,	[Seal]
C. C. FARMER,	[Seal]
CHAS. B. KOBES,	[Seal]
W. H. LEE,	[Seal]
J. C. MAILER,	[Seal]
J. O. KUYKENDALL,	[Seal]
A. B. WARE,	[Seal]
W. E. McCONNELL,	[Seal]
L. W. BURRIS,	[Seal]
E. M. COX.	[Seal]

STATE OF CALIFORNIA, )  
 COUNTY OF SONOMA, CITY OF SANTA ROSA. } ss.

Clerk's certificate.

I, C. D. Clawson, City Clerk of the City of Santa Rosa, do hereby certify that the foregoing is a full, true and correct copy of the proposed Charter of the City of Santa Rosa, prepared and proposed by a duly qualified board of freeholders, duly elected on the sixth day of April, in the year one thousand nine hundred and four; that a copy of said Charter was duly filed with the Mayor of the City of Santa Rosa on the 28th

day of June in the year one thousand nine hundred and four, said copy having been duly signed by all of the members of said board; that another copy signed by all of the members of said board, was, on the twenty-eighth day of June in said year one thousand nine hundred and four, duly filed with the recorder of the County of Sonoma; that thereafter said proposed Charter was duly published in a daily newspaper of general circulation in said City of Santa Rosa for at least twenty days, and the first publication thereof was made within twenty days after the completion of said Charter; that within not less than thirty days after such publication, said Charter was submitted to the qualified electors of said city at a special election called therefor, said election being held on Tuesday the 13th day of September in the year one thousand nine hundred and four, and at such election a majority of such qualified electors voting thereon duly ratified the same; and I further certify that at all of the times herein mentioned said City of Santa Rosa contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Santa Rosa this twenty-eighth day of September, in the year one thousand nine hundred and four.

[SEAL]

C. D. CLAWSON,  
City Clerk of the City of Santa Rosa.

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of the members elected to each house voting for and concurring herein), That said Charter of the City of Santa Rosa, as presented to, and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, for and as the Charter of said City of Santa Rosa.

Approval  
by legis-  
lature.

## CHAPTER XI.

*Senate Concurrent Resolution No. 10—Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 7th day of January, 1905.*

[Adopted February 3, 1905.]

WHEREAS, In accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, the City of San Diego, a municipal corporation in the County of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city at a special

Amend-  
ments to  
the charter  
of the  
City of San  
Diego.  
Preamble.

Amend-  
ments to  
the charter  
of the  
City of San  
Diego.

Preamble.

election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the legislature of the State of California on the 16th day of March, 1889, by Joint Resolution entitled, "Senate Joint Resolution No. 5, approving the charter of the City of San Diego, in the County of San Diego, California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the second day of March, 1889"; and,

WHEREAS, The said charter of the said City of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended, the same having not been amended in the two years last past; and,

WHEREAS, The legislative authority of the said City of San Diego did, by ordinance numbered seventeen hundred and sixty-two, of the ordinances of said city, adopted by the Board of Aldermen of said city on the 24th day of October, 1904, and by the Board of Delegates of said city on the said 24th day of October, 1904, entitled, "An ordinance proposing certain amendments to the charter of the City of San Diego, California, and providing for the publication thereof, and describing and setting forth certain amendments," and approved by the Mayor of said city on the 26th day of October, 1904, and pursuant to Section 8 of Article 11 of the Constitution of the State of California, duly proposed to the qualified electors of the said City of San Diego twenty-seven certain amendments to the charter of the said city; and

WHEREAS, Said ordinance numbered seventeen hundred and sixty-two, containing said twenty-seven proposed amendments to said charter was, and each of said twenty-seven proposed amendments were in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, published for twenty days after the passage and approval of the said ordinance numbered seventeen hundred and sixty-two in the city official newspaper of said city, to wit, the San Diego Union and Daily Bee, a newspaper of general circulation in the said City of San Diego; and

WHEREAS, The said legislative authority of the said City of San Diego did, by ordinance numbered eighteen hundred and one of the ordinances of said city, adopted by the Common Council of said city on the 23rd day of November, 1904, entitled, "An ordinance calling and providing for a special election in and for the City of San Diego, California, to be held in said city on Saturday, the seventh day of January, 1905, for the purpose of submitting to the qualified electors of said City of San Diego, twenty-seven certain proposals to amend the charter of said city, pursuant to the provisions of, and in the manner provided by, the constitution and laws of the State of California; establishing municipal election precincts for said election and designating polling places therein; appointing a board of election for each precinct; and providing for notice to be given of said election," approved by the Mayor of



said city on the 25th day of November, 1904, call a special election to be held in the said City of San Diego on Saturday, the seventh day of January, 1905, for the purpose of submitting to the qualified electors of the said City of San Diego said twenty-seven proposed amendments to the said charter; and

Amendments to the charter of the City of San Diego.  
Preamble.

WHEREAS, Said special election was held in the said City of San Diego on the said seventh day of January, 1905, which date was more than forty days after said proposed amendments had been published for twenty days in the said San Diego Union and Daily Bee; and

WHEREAS, On the ninth and tenth days of January, 1905, at regular meetings held by the Common Council of said city, in accordance with law and the charter of the said City of San Diego, the Board of Aldermen of said Common Council and the Board of Delegates of the said Common Council, and the said Common Council duly and regularly canvassed the returns of said special election, and duly declared the results thereof; and the said Common Council being by law and the charter of said city duly authorized to conduct, manage, and control the holding of elections and all matters pertaining to elections in the said City of San Diego; and

WHEREAS, At said special election so held on the said seventh day of January, 1905, each and all of the said twenty-seven proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon, and voting at said election; and

WHEREAS, The said twenty-seven amendments, and each of them, so ratified by the electors of the said City of San Diego at said special election, are now submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article 11 of the Constitution of the State of California, and are in the words and figures as follows, to wit:

That Chapter 1 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

CHAPTER 1.

Section 1. The legislative power of the City of San Diego shall be vested in a single legislative body, which shall be designated the Common Council.

Common council.

Section 2. The Common Council shall consist of nine members, one member from each ward of the city, who shall be elected at each general municipal election by the qualified voters of their respective wards, and shall hold office for two years. Each member of the Common Council must have been both an elector of the city and an actual resident of the ward, from which he was elected, at least one year next preceding his election.

Number of members.

Qualifications and term.

Section 3. No person shall be eligible as a member of the Common Council who shall have been convicted of malfeasance in office, bribery, or any other infamous crime by the judg-

Eligibility of members.

ment of the court. Any such conviction during his term of office shall cause the forfeiture of his seat in said Common Council.

**Quorum.** Section 4. A majority of the members of the Common Council shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as said Common Council may prescribe.

**Duties of President.** Section 5. Said Common Council shall  
1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two-thirds of the members of said Common Council.

**Rules.** 2. Establish rules for its proceedings.

**Journal.** 3. Keep a journal of its proceedings and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

**Punishment of members.** 4. Have authority to punish its members for disorderly or contemptuous behavior in its presence, and to expel any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

**Witnesses and papers.** 5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before said Common Council or any of its Committees.

**Meetings of common council.** Section 6. Said Common Council shall meet on the first Monday of each month at seven thirty o'clock P. M., or, if that day be a holiday, then upon the next day at the same hour. The meetings of the said Common Council shall be public.

**What offices members of council may hold.** Section 7. No member of said Common Council shall hold any other office, federal, state, county, or municipal, except in the National Guard or as a notary public, or be an employé of said city or of said Common Council, or be directly or indirectly interested in any contract with said city or with or for any department or institution thereof; or advance money or furnish material and supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly or indirectly recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place, or employment under the City Government, or under any department, board, or officer thereof; but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council.

**No interest in contracts.** Upon taking office, each member shall make and file in the office of the City Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office.

**Official influence.** Section 8. Every legislative act of said city shall be by ordinance: The enacting clause of every ordinance shall be: "Be it ordained, by the Common Council of the City of San Diego, as follows:"

**Affidavit to be filed with city clerk.**

**Enacting clause of ordinances.**

Section 9. No bill shall become an ordinance unless on its final passage, at least a majority of all the members of the Common Council vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the journal, and no ordinance shall be finally passed until it has been read at two separate meetings of the Common Council, unless by a two-thirds vote of the members of the Common Council present, it is put on its final passage at its first reading.

Manner and form of passing ordinances.

Section 10. No ordinance shall be revised, re-enacted, or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised or amended.

Revision and re-enacting of ordinances.

Section 11. When a bill is put upon its final passage and fails to pass and a motion is made to reconsider, the vote upon said motion shall not be acted on before the next meeting of the Common Council. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

Vote and motion on final passage of bill.

Section 12. No ordinance shall take effect until ten days after its passage, unless otherwise expressed in said ordinance.

Ordinances in effect, when.

Section 13. Every bill, after it has passed, shall be signed by the President of the Common Council in open session in authentication of the passage. In signing such bill he shall call the attention of the Common Council to the bill and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed, such objection shall be passed upon, and if sustained, the President shall withhold his signature and the bill shall be corrected and signed before the Common Council proceeds to any other business.

President to sign bills.

Objections of members.

Section 14. Every bill, which shall have passed the Common Council and been authenticated, as provided in the last section, shall be presented to the Mayor for his approval.

Bills to be approved by mayor.

The Mayor shall return such bill to the Common Council within ten days after receiving it. If he approve it, he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify such objections thereto in writing. If he do not return it with his disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the journal of the Common Council. Said Common Council shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon a reconsideration, be again passed by the affirmative vote of not less than two-thirds of the members of said Common Council, the President thereof shall certify that fact on the bill and when so certified the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive, upon the first vote thereon, in said Common Council, an affirmative vote of two-thirds of the members, it shall be deemed

Objections of mayor.

Reconsideration of vote.

- finally lost. The vote on such recommendation shall be taken by ayes and noes and the names of the members voting for or against the same shall be entered in the journal of the Common Council.
- Manner and form of taking vote.**  
**Ordinances, etc., to be deposited with clerk. Publication.**  
**Board of equalization.**  
**Commissioners to be appointed by mayor.**  
**Council to elect clerk and attorney.**  
**Auditing committee.**  
**President of council to act as mayor.**  
**Vacancies, how filled.**  
**Finance committee.**  
**Powers and duties.**  
**Report.**  
**Action of mayor.**
- Section 15. All ordinances and resolutions shall be deposited with the Clerk who shall record the same at length in a suitable book. Ordinances of a general nature shall be published at least once in the city official newspaper.
- Section 16. A committee of five members of the Common Council shall constitute the Board of Equalization of said city.
- Section 17. The Commissioners of the Board of Public Works, the members of the Board of Police Commissioners (except the Mayor), the members of the Board of Fire Commissioners, the members of the Board of Health, and the Auditor, shall be appointed by the Mayor and confirmed by the Common Council.
- Section 18. The Common Council shall elect a City Clerk and City Attorney.
- Section 19. The Auditing Committee shall consist of the Mayor, President of the Common Council, City Attorney, and Auditor.
- Section 20. When and in so long as the Mayor is temporarily unable to perform his official duties, the President of the Common Council shall act as Mayor pro tempore.
- Section 21. When a vacancy occurs in the office of the Mayor, it shall be filled for the unexpired term by the Common Council assembled for that purpose.
- When a vacancy occurs in the Common Council, it shall be filled by such Common Council until the next general city election.
- Section 22. That the Common Council shall have the power to appoint from its members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Said committee shall have power to investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before it by subpoena. Said committee may visit any of the public offices, when and as often as it thinks proper and make its examinations and investigations therein without hindrance. It shall be the duty of such committee, as often as once in every six months, to examine the official bonds of all city officers, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the city,

and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. Such committee shall keep a record of its proceedings with the names of the witnesses examined, and a substantial statement, of the evidence taken. If from the examination made by such committee, it shall appear that a misdemeanor in office, or a defalcation has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committee.

Report to Mayor.

Removal from office.

Section 23. When an officer, board, or department, provided for in this charter, shall require additional deputies, clerks, or employes, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council the appointment of such additional assistance; and thereupon the Common Council, by an affirmative vote of two-thirds of all its members, may authorize such appointment, and provide for the compensation of such appointee, subject to the limitations of this charter.

Additional assistance.

Section 24. Whenever hereafter in this charter reference is made to the Board of Aldermen or to the Board of Delegates, or to both the Board of Aldermen and to the Board of Delegates, or to each or both Boards of the Common Council, it is to be construed as referring to the Common Council, and whenever officers or committee of each or either, or both, of said boards are referred to, it is to be construed as referring to officers and committees of the said Common Council.

How references are to be construed.

Section 25. That all appointments made by the Mayor must be confirmed by the Common Council before they go into effect.

Confirmation of appointments.

That all portions of the said charter in conflict with the foregoing provisions be, and the same are hereby, repealed.

That subsection 31 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

31. To fix and determine the rate or compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and to fix and determine the maximum rate or compensation to be charged by any person, company, or corporation for gas, electric, or other illuminating power in said city.

Telephone and gas rates.

That subsection 35 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

35. To provide for the collection of licenses and municipal revenue, and fix the amount thereof, and to license for regulation or revenue, hawkers, peddlers, pawnbrokers, auctioneers, and also lunch, refreshment, coffee or tamale counters, stands, booths, sheds, or wagons when erected, located, placed, conducted or doing business on any sidewalk, street, or alley in

Collection of licenses and municipal revenue in certain cases.

said city; also to license for regulation or revenue any other business or occupation conducted or carried on in the said City of San Diego.

That subsection 46 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

Street rail-ways, etc. 46. To grant authority for a term not exceeding twenty-five years to construct street railways and lay down street railroad tracks upon or over any of the streets of said city, upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by this charter, or by ordinance, and from time to time to establish, alter, and regulate the rates of fare to be charged by any person, company, or corporation to which such authority may be granted.

That Section 2 of Chapter 3 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Auditor. Section 2. As Auditor he shall number and keep a record of all demands allowed by the Auditing Committee, showing the date of approval, amount, the name of the original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener, if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report, showing the source from which the city's revenue was derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants on the treasurer, except as otherwise in this charter provided. He shall have power to make affidavits and administer oaths necessary in the transaction of all city business.

Monthly reports.

Other duties.

That Section 1 of Chapter 8 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Bonds of officers. Section 1. All salaried officers of this city, other than Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within this State and residents thereof, and worth the sums for which they become liable on such bonds over and above all just debts and liabilities in unincumbered property, situated within this State, which is not exempt from execution and forced sale; *provided*, that no official, deputy, clerk, or employé of the said City of San Diego shall be accepted as a surety upon any bond or undertaking to be executed to said

Sureties on bonds.

Officials not to be sureties.

city, or for the protection of said city. All official bonds must be approved by the Auditing Committee in open session.

Approval of bonds.

The amount of all official bonds shall be fixed by the Common Council by ordinance.

Amount.

The sureties on such bonds shall accompany the same with an affidavit that they are each freeholders within this State, and residents thereof, and are each worth the sum for which they become liable as specified in such bond over and above all their just debts and liabilities, exclusive of property exempt from execution; *provided*, that any corporation with a paid up capital of not less than one hundred thousand dollars, incorporated under the laws of the State of California, or any other State of the United States, for the purpose of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law, or which by the laws of the State where it was originally incorporated has such powers, and which shall have complied with all the requirements of the law, of the State of California, regulating the formation or admission of these corporations to transact such business in the State of California, may become and may be accepted as security or as sole and sufficient surety upon any such undertaking or bond, or upon any other undertaking or bond required by any law or by any provision of this charter, or by any ordinance of the city for the benefit of such city, if approved and accepted by the Auditing Committee, or by the Board, or officer, or department authorized to approve such bonds, and the sureties thereon, shall be subject to all the liabilities and entitled to all the rights of natural persons who act as sureties; *provided*, that no such corporation shall be accepted in any case as surety whenever its liabilities shall exceed its assets.

Affidavit of sureties.

Corporations as sureties.

That Section 1 of Chapter 10 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. The Common Council shall have power to provide by ordinance for the appointment, by the different departments and officers, of such number of clerks, employes, and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and fix the compensation of such clerks, employes, and deputies, anything in this charter contained to the contrary notwithstanding; and the Common Council shall have power to order their discharge whenever their services are no longer needed; *provided* that this section shall not apply to the Board of Library Trustees, nor to the Board of Park Commissioners, nor to the officers, deputies, clerks, and employes of the said Board of Library Trustees, or the said Board of Park Commissioners.

Common council has power to appoint certain officers.

Restrictions on common council.

That Section 6 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Salaries of officers, clerks, etc.

Section 6. The Board may appoint such employés as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks, and employés of the Board, except so far as the same are designated by this charter, shall be fixed from time to time by the Common Council.

Repealed.

That Section 13 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be and the same is hereby repealed.

That Section 14 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Public work authorized by common council.

Section 14. All public work authorized by the Common Council to be done under the supervision of the Board, and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the city, not otherwise provided for in this charter (unless otherwise provided by ordinance), shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the Board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days; and in case the estimated cost thereof exceeds two thousand dollars (\$2,000), to be so posted and published for not less than ten days; except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars (\$200), shall be deemed an urgent necessity by the Board, such repair or improvement may be made by the Board, under written contract or otherwise, without advertising for sealed proposals.

Publication of notice.

Certain exceptions.

That Section 15 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Advertisements and notices for work and materials.

Section 15. Said advertisements and notices shall invite sealed proposals, to be delivered at a certain day and hour at the office of the Board, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, unless otherwise provided by ordinance, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

That Section 24 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Lighting of streets, etc.

Section 24. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than five years, nor shall any contract to pay for gas, electric light,



or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas, electric light, or other illuminating material consumed in such building during the month. All bids shall state the price for lighting for one year, two years, three years, four years, and five years, and a contract may be entered into for such lighting for one year or any number of years not exceeding five years; *provided*, that before awarding any contract for lighting the streets and public buildings in said city, the said Board of Public Works shall refer all bids to the Common Council, and no bid shall be accepted therefor unless authorized by ordinance.

Bids, and  
reference  
of same.

That Sections 7, 9, and 12 of Chapter 5 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 7. Said Board may recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city, and the Common Council may pass ordinances establishing the same, and prescribing the penalties for any violation thereof.

Sewers  
and  
drains.

Section 9. The Common Council may by ordinance authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate, which may be necessary for the construction of any sewer, or the making of any improvement provided for in this chapter. The title to all real estate purchased shall be taken in the name of said city.

Purchase  
of real and  
personal  
property.

Section 12. When the Common Council shall determine upon any improvement for the purpose of sewerage or drainage, which necessitates the acquisition or condemnation of private property, and is unable to agree with the owner thereof upon the amount of compensation or damage to be paid therefor, or when such owner is in any way incapable of making any agreement with reference thereto, and in all cases when the said Common Council shall deem it most expedient, said Common Council may cause said property to be condemned, and proceedings for the condemnation of such property instituted.

Con-  
demnation  
proceed-  
ings.

That Chapter VII of Article V of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. That there shall be a Board of Park Commissioners, consisting of three members, to be appointed by the Mayor with the approval of the Board of Delegates, from among the qualified electors of said city, and they shall hold office for four years, *provided* that the terms of office of the Commissioners first appointed shall commence on the first Monday in May, 1905.

Park  
commis-  
sioners.

Section 2. Immediately upon their appointment they shall elect a President and Secretary from among their number and so classify themselves that one of their number shall go out

President  
and  
secretary.

of office in two years, one in three years, and one in four years.

Park commissioners to control parks, etc.

Section 3. All parks, plazas, and squares now open and dedicated to the public use, or which may hereafter be opened or dedicated to the public use, shall be under the exclusive control and management of said Board of Park Commissioners, with power to lay out, regulate and improve the same.

Superintendent of parks.

Section 4. Said Board of Park Commissioners may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Park Commissioners are enforced, and who shall perform such other duties relating to said parks, plazas, and squares as may be required of him by said Board of Park Commissioners or by ordinances passed by the Common Council. Said Board

Duties.

Compensation of employés.

of Park Commissioners shall also have power to employ and fix the compensation of such employés as may be necessary for the proper care and improvement of said parks, plazas, and squares; to expend the moneys appropriated by the Common Council or received from any other source, for the purpose of managing and improving said parks, plazas, and squares.

Common council to levy taxes.

Section 5. That the said Common Council shall levy annually, in addition to all other taxes provided for in this charter, not less than five cents nor more than eight cents on each one hundred dollars valuation of property, for the purpose of maintaining and improving said parks, plazas, and squares.

Park commissioners to pass rules.

Section 6. The said Board of Park Commissioners shall have power to pass and adopt such rules and regulations as it may deem necessary for the regulation, use and government of said parks, plazas, and squares.

Compensation of park commissioners.

Section 7. The members of said Board of Park Commissioners shall serve without compensation and shall make a semi-annual report to the Mayor.

That Section 2 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Time and rate of tax levy fixed by council.

Section 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city, or tax for maintenance and improvement of public parks, or other special tax voted by the people, or for school purposes.

That Section 6 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Meaning of terms "real" and "personal" property.

Section 6. That the term "real" and "personal" property, as used in this charter, shall have the same meaning as the

same terms used in the revenue laws of this State; and all property subject to taxation, as aforesaid, shall be assessed at its full cash value, which, in the judgment of the assessor, at has at 12 o'clock noon on the first day of January, and the lien of the annual city tax levy shall attach at said hour. The description of the lots, blocks, additions, and subdivisions in any assessment shall be deemed to refer specifically to the official map of such lot, block, addition, or subdivision on file in the public office where the same is on file, with the same effect as if such description specifically described such map.

Assessment.

Description and maps.

In the assessment of property, advertisement, and sale thereof for taxes, initial letters, abbreviations, and the figures may be used to designate lots, blocks, or parts thereof, additions or subdivisions; and such other abbreviations may be used when approved by the Common Council; *provided*, that a written or printed explanation of all abbreviations used appears on the page of the assessment roll or book where the assessment is made in which such abbreviation is used.

Abbreviations and figures.

That Section 10 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday in June of each year, and all persons paying such taxes before the first day of July, following, shall be entitled to a deduction of five per cent. upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a deduction of three per cent. upon the total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a deduction of two per cent. upon the total tax paid; and all persons paying such tax between the first days of September and October of each year shall be entitled to a deduction of one per cent. upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November, shall pay the full tax as levied, and upon the fourth Monday in each November, at six o'clock P. M., all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the city an addition of five per cent.

Annual tax, when due and payable.

Deductions and increase.

That Section 18 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 18. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the Tax Collector, be sold to the City of San Diego, and said Tax Collector shall make an entry "sold to the city" on the delinquent assessment list opposite the tax (and a duplicate certificate of sale shall be delivered to the City Auditor and filed by him in his office, and a like certificate shall be filed in the office of the City Clerk), and said

Sale of delinquent property.

Tax Collector shall be credited with the amount thereof in his settlement with the Auditor; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due.

Tax collector to make duplicate certificates.

The Tax Collector must make out in duplicate a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the city, and giving the amount and year of the assessment, and specifying when the city will be entitled to a deed. A redemption of the property sold may be made by the owner or any person in interest within five years from the date of the sale to the city, or at any time prior to the entry or sale of said land by the city, in the manner provided by law for the redemption of property sold to the State for State and County taxes, at the time such redemption is made; *provided*, that the estimate for such redemption must be made by the City Auditor instead of the County Auditor, and the receipt for money paid for such redemption must be given by the City Treasurer instead of the County Treasurer, and upon the production of such receipt and estimate, the City Clerk shall write upon the proper certificate as filed in his office the word "Redeemed," giving the date, and by whom redeemed. The Auditor's fee for such estimate shall be two dollars paid in advance, but the City Clerk shall receive no fee for marking the certificate redeemed. The Auditor's fee, as herein provided, as well as the amount to redeem, shall be paid to the Treasurer by the person redeeming, and such fee shall be apportioned to the salary fund of the city. If the property is not redeemed within five years from the date of the sale thereof to the city, the Tax Collector of said city, or his successor in office, must make to the city a deed to the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption.

Redemption of property.

City auditor to make estimate.

City treasurer to receipt for same.

Auditor's fees.

Property not redeemed, duty of tax collector.

Certain sections repealed.

That Sections 19, 20, 21, 22, 23, 24, 25, 26, and 27 of Chapter 1 of Article 6 of said charter be and the same are hereby repealed.

That Chapter 1 of Article VI of the charter of the City of San Diego, California, be amended by adding thereto a new section to be numbered Section 32, which shall read as follows:

County officers to perform certain duties.

Section 32. Whenever it shall be provided by an Act of the Legislature of the State of California that any of the duties now performed, or hereafter to be performed by the Assessor of the City of San Diego, may be performed by the Assessor of the County of San Diego, and that the duties now performed, or hereafter to be performed, by the Tax Collector of said city, may be performed by the Tax Collector of said county, or the duties to be performed, or hereafter to be performed, by any other officer of said city, may be performed by any officer of said county, the City of San Diego, through

its Common Council, may avail itself of the provisions of said Act by the adoption of an ordinance, ratified by a vote of the qualified electors of said city, as hereinafter provided, and provide that the duties of such officer or officers of said city, or any of such duties as are permitted by such general Act of the Legislature to be performed by such county officer or officers, may be performed by such county officer or officers of the said County of San Diego, at the times and in the manner and to the extent as provided in such General Act of the Legislature.

Common council to adopt ordinance.

In case such ordinance shall provide that all the duties of the said Assessor of said city shall be devolved upon the Assessor of the said County of San Diego, or in case such ordinance shall provide that only part of the duties of the said Assessor of said city shall be devolved upon the Assessor of said County of San Diego, and the remaining duties of the said City Assessor shall be performed by such officer of said city as may be designated for that purpose by such ordinance, then upon the taking effect of such ordinance such office of the Assessor of said city shall cease to exist, and is hereby declared to be abolished.

Office of assessor abolished, when.

In case such ordinance shall provide that all the duties of the said Tax Collector of said city shall be devolved upon the Tax Collector of the said County of San Diego, or if by such ordinance only part of the duties of the said Tax Collector of said city shall be devolved upon the Tax Collector of said County of San Diego, and the remaining duties of the said Tax Collector of said city shall be performed by such officer of said city as may be designated for that purpose by such ordinance, then upon the taking effect of such ordinance such office of Tax Collector of said city shall cease to exist, and is hereby declared to be abolished.

Office of tax collector abolished, when.

As to all duties so devolved upon any officer of said county, he shall be ex-officio an officer of the City of San Diego.

Ex-officio officers.

The Common Council shall have power to provide, by such ordinance, a system for the assessment, levy, and collection of all taxes of said city, not inconsistent with the provisions of this section, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the said General Act of the Legislature and the laws of the State of California in reference to the assessment, levy, and collection of State and County taxes, to the end that the duties of the Assessor of said city may be performed by the Assessor of said county, and the duties of the Tax Collector of said city, as to the taxes thereafter to be collected, may be performed by the Tax Collector of said county. No such ordinance shall take effect until it shall have been submitted for ratification to the electors of said city at a general municipal or special municipal election, and ratified by a majority of all votes cast on the question of such ratification.

Council to provide assessment and tax levy system.

Ratification of ordinance.

In the event that said city shall so elect to avail itself of the provisions of such General Act of the Legislature, the Auditor

Auditor to make estimates.

of said city shall, on or before the first Monday in August in each year, prepare and transmit to the said Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the 20th day of July in each year, an estimate of the probable necessities of the city for the current fiscal year, as provided in Section 1, Chapter 1, Article VI, of this charter, and the Common Council shall, on or before the second Monday in September of each year, by ordinance, fix the rate of taxes to be levied and levy the taxes upon all taxable property, both real and personal, in the city necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year one hundred and ten cents on each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city, and also excepting any special tax voted by the people, the tax for maintenance and improvements of public parks, or for school purposes; and for taxation, assessment, and all other purposes the fiscal year of said city shall begin on the first day of July, and the property subject to taxation as aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it had at twelve o'clock noon on the first Monday of March, and the lien of the annual city tax levy shall attach at that hour.

Council to  
fix rate of  
taxes.

Certain  
limi-  
tations.

Fiscal  
year.

Changing  
fiscal  
year.

In the event said Common Council shall so elect to avail itself of the provisions of said General Act of the Legislature, and said fiscal year shall be changed, the said Common Council shall have power to provide by taxation for sufficient revenue to carry on the different departments of the municipal government of said city for the period of time from the end of the fiscal year, as it stood before such change was made, to the beginning of the new fiscal year by including the same in the next annual tax levy.

That Chapter 2 of Article VI of the charter of the City of San Diego, California, be amended by adding thereto a new section to be known as Section 15, which shall read as follows:

Municipal  
improve-  
ments

Section 15. Whenever it shall be determined by the legislative body of said city that the public interest of said city demands the acquisition, construction, or completion of any municipal improvement, including bridges, water works, water rights, sewers, light or power works or plants, buildings for municipal use, fire apparatus, and street work, or other works, property, or structures necessary or convenient to carry out the purposes, objects, and powers of the city, the cost of which will be too great to be paid out of the revenues of the city, to be levied during the fiscal year or years during which said improvement is proposed to be made, a special tax not to exceed the sum of twenty cents on each one hundred dollars may be levied on the property assessed for the purpose of taxation within said city, which said rate of taxation may be in addi-

Special tax  
for certain  
improve-  
ments.

tion to the annual rate of taxation allowed by law to be levied thereon. Before said tax shall be levied by the said legislative body of said city, the question of the levy of such tax shall be submitted to the voters of said city at any general or special municipal election, or at a special election to be held for that purpose, and if two-thirds of the votes cast for the proposition of levying such tax shall be in favor of the levy thereof, then the levy shall be made, otherwise the taxes shall not be levied. Upon the ballots used at such election the proposition to be voted shall be stated in appropriate words, and the same arranged so that the voter may indicate his choice upon the proposition. If a special election is held, the same shall be held as are other elections within the city. At least two weeks before such election is held, the said legislative body of said city shall adopt an ordinance calling and providing for the same, wherein it shall be stated:

Question submitted to voters.

Form of ballots.

Special election.

First—The nature of the proposed improvement for the cost of which the special tax shall be levied.

Contents of ordinance.

Second—The total amount of money to be raised for such improvement.

Third—The rate of taxation to be levied.

At the time fixed by law for the levying of taxes within said city, the legislative body thereof shall include the special tax herein provided for, which shall be the rate specified in the ordinance calling said election. Nor shall it be levied for a longer period of years than shall be sufficient to raise the amount of money specified in said ordinance. The proceeds for such special tax shall be set apart in a special fund, and shall only be expended for the purpose of making the improvements stated in said ordinance; *provided* any balance left, after such improvement shall have been fully completed and paid for, shall be transferred to the general fund of said city.

Levying of taxes.

Time.

Special fund.

That Section 2 of Chapter 2 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. All demands, bills, and claims which may arise against the city, including the payroll of all employes of the city, whether under regular monthly salary or not (except salaries of city officers fixed by this charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed, designate the particular fund from which they are to be paid, and endorse upon the back of each bill the date of its allowance or rejection, the amount allowed for, and also the section of the charter, number of ordinance, number of contract, resolution, or order under which the said bill or demand was authorized or contracted for. These endorsements to be verified by the signatures of the Chairman and Secretary of the Committee. No demand upon the treasury shall be allowed by the Auditing

Demands, bills, claims, etc., against city.

How verified and filed.

Persons indebted to city.

Committee in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness. or in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person or his assigns who has neglected to make any oath required by law, ordinance, or other regulation of the Common Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditing Committee, to do any duty imposed upon him by law, or ordinance, or other regulation of the Common Council.

Failure to  
comply  
with law,  
etc.

That Article VII of the charter of the City of San Diego, California, be amended so as to read as follows:

#### ARTICLE VII.

School  
system.

Section 1. The school system of the City of San Diego shall include primary, grammar, and high schools, and such evening schools, technical schools, and parental schools as now are established, or may hereafter be established by the Board of Education of said city in the San Diego School District under the General School Laws of the State of California. The boundaries of said San Diego School District shall be those now established or that may hereafter be established by and under the General School Laws of the State of California.

Bound-  
aries.

Board of  
education.

Section 2. The government of the San Diego School District shall be vested in a Board of Education, composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled, Members of the Board of Education. They shall serve without salary. They shall serve four years, or until their successors are elected and qualified. The members of the said Board of Education shall be elected at the same time and in the same manner as the municipal officers of the City of San Diego. Any vacancy in the body shall be filled by the Board from the electors of the ward in which the vacancy has occurred until the next general city election when a member shall be elected to fill the unexpired term.

Term and  
salary.

Manner of  
election.

Vacancy.

Duties and  
powers.

Section 3. The duties and powers of the Board of Education shall be such as are now, or may hereafter be enjoined and conferred on Boards of Education in City and School Districts by the laws of the State of California.

That Article VIII of the charter of the City of San Diego, California, be amended so as to read as follows:

#### ARTICLE VIII.

Public  
library.

The public library and reading-room shall be governed and controlled by a Board of three Trustees, who shall be appointed by the Mayor from among the qualified electors of said city, subject to the approval of the Board of Delegates,



and they shall hold office for four years; *provided*, that the terms of the Trustees first appointed shall commence on the first Monday in May, 1905. Trustees.

Immediately upon their appointment they shall elect a President from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years. Election of president.  
Term.

The Common Council of said city shall make an annual tax levy sufficient to raise at least six thousand dollars for the purpose of supporting and maintaining said public library. Tax for support of library.

In all other particulars said library and reading-room shall be governed and controlled by the provisions of the Act of the Legislature of the State of California, entitled, "An Act to establish free public libraries and reading-rooms," approved April 28th, 1880; and the powers and duties of said Board of Trustees shall be as in said Act prescribed. Governing act.

That Section 15 of Chapter 3 of Article 9 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 15. The Board of Health may locate, establish, and maintain pest houses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health. Said Board may appoint and remove at pleasure such physicians and nurses (whose compensation shall be fixed by the Common Council by ordinance) for said pest houses as may be necessary to maintain the efficiency of the same; and may cause to be removed thereto and kept therein any person affected with any contagious or infectious disease. Board of health.  
Duties and powers.

That Section 2 of Article X of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. Every officer, deputy and clerk, except where otherwise provided in this Charter or by ordinance, must have been, at the time of his election or appointment, both an elector of the city, and an actual resident therein for one year next preceding his election or appointment. Qualifications of officers.

That Article I of the charter of the City of San Diego, California, be amended by adding thereto a new chapter to be known as Chapter IV, which shall read as follows:

CHAPTER IV.

Section 1. The Common Council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise. Power of common council.

Section 2. Any proposed ordinance may be submitted to the Common Council by a petition signed by registered electors of the city equal in number to the percentages hereinafter required. The signatures to the petition need not all be Proposed ordinance and electors.

Signatures and petition.	appended to one paper, but each signer shall add to his signature his place of residence, giving his street and number.
Oath.	One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Common Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.
Examination by city clerk.	
Extra pay.	
Amendment to petition.	
Sufficiency of petition.	If the petition shall be found to be sufficient, the Clerk shall submit the same to the Common Council without delay.
Special election.	If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent. of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Common Council shall either:
Common council to call special election.	(a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 2 of this Chapter); and if the ordinance shall be passed by the Common Council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the Common Council, then, within five days after determination that said ordinance shall have so failed of final adoption, the Common Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,
Certificate of clerk.	(b) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Common Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.
Petition signed by electors.	If the petition be signed by electors equal in number to at least five per cent. but less than fifteen per cent. of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the Common Council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from
Ordinance to be voted on.	

the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Form of ballots.

Majority vote.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter, more than one special election in any period of six months.

Number of ordinances voted on.

The Common Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the Common Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Common Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

Repeal of ordinance.

Publication and mailing of proposed ordinance.

Section 3. No ordinance passed by the Common Council (except when otherwise required by the general laws of the state, or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Common Council, but no grant of any franchise, shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent. of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Common Council, the same shall thereupon be suspended

Ordinance to go into effect.

Exceptions.

Protests.

from going into operation, and it shall be the duty of the Common Council to reconsider such ordinance, and if the same is not entirely repealed, the Common Council shall submit the ordinance as is provided in Section 2 of this Chapter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 2, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

Submis-  
sion to  
voters.

Removal  
from office.

Procedure

Petition  
and sig-  
natures.

City clerk  
to ex-  
amine.

Amended  
petition.

Election.

Section 4. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided* that the petition sent to the Common Council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Common Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Common Council without delay. If the petition shall be found to be sufficient, the Common Council shall order, and fix a date for holding the said elec-

tion, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Common Council that a sufficient petition is filed.

The Common Council shall make or cause to be made publication of notice, and all arrangements for holding of such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

Publication of notice.

Successor in office.

Removal election.

Qualification.

That all portions of the said charter in conflict with the foregoing provisions be, and the same are hereby, repealed.

Conflict in charter.

That Section 1 of Chapter V of Article III of the charter of the City of San Diego, California, be amended so as to read as follows:

CHAPTER V.

OF THE CITY ATTORNEY.

Section 1. The City Attorney shall be elected by the qualified voters of the City of San Diego, California, at each general city election, and his term of office shall be two years.

City attorney.

STATE OF CALIFORNIA, }  
COUNTY OF SAN DIEGO, } ss.

This is to certify that we, Frank P. Frary, Mayor of the City of San Diego, California, and H. W. Vincent, City Clerk of the City of San Diego, California, have compared the foregoing proposed and ratified amendments to the charter of the said City of San Diego with the original ordinances proposing such amendments and submitting the same to the electors of said City of San Diego at a special election called for that purpose on Saturday, the seventh day of January, 1905, and find that the foregoing is a full, true, correct, and exact copy thereof; and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the allegations of fact following said amendments to said charter, as above set forth, are, and each of them is, true.

Certificate of mayor and city clerk.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego, this 18th day of January, 1905.

FRANK P. FRARY,  
Mayor of the City of San Diego, California.

[SEAL]

H. W. VINCENT,  
City Clerk of the City of San Diego, California.

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California for approval or rejection, in accordance with Section 8 of Article 11 of the Constitution of the State of California, now, therefore, be it

Resolution  
of legisla-  
ture.

*Resolved, by the Senate of the State of California, the Assembly thereof concurring* (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said City of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of the said City of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said City of San Diego.

## CHAPTER XII.

*Senate Concurrent Resolution No. 5—Resolution approving two amendments to the charter of the City of Sacramento, a municipal corporation, voted for, and ratified, by the qualified electors of said city on the 3rd day of November, A. D. 1903.*

[Adopted February 3, 1905.]

Amend-  
ments to  
charter  
of City of  
Sacra-  
mento.  
Preamble.

WHEREAS, The City of Sacramento, in the County of Sacramento, State of California, contains a population of over ten thousand and less than one hundred thousand inhabitants, and has ever since the year 1891, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section Eight, of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city voting at a special election duly called and held for that purpose on the 17th day of May, 1892, and was duly approved by the Legislature of the State of California on the 7th day of February, 1893, (Statutes of 1893, page 545) which charter has never been amended; and

WHEREAS, Fifteen per cent of the qualified voters of the said City of Sacramento duly petitioned the Board of Trustees of said city to submit two certain proposed amendments to the charter of said city to the qualified voters thereof for

approval, pursuant to Section Eight, Article XI of the Constitution of the State of California, and said Board of Trustees of the City of Sacramento, did thereafter, on the 24th day of August, 1903, duly submit the same to the qualified voters of the said City of Sacramento at the general city election to be held on the 3rd day of November, A. D. 1903; which said amendments are hereinafter set forth; and

WHEREAS, Said proposed amendments were, and each of them was published for twenty days in a daily newspaper printed and published in said City of Sacramento, and of general circulation therein, to wit, in the Sacramento Union, said publication ending on the 17th day of September, 1903, and

WHEREAS, A general municipal election was held in said City of Sacramento on the 3d day of November, 1903, (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Sacramento, to wit, the Sacramento Union), and said proposed amendments to said charter were duly submitted to the qualified electors of said city for their ratification at said general municipal election, and

WHEREAS, At said general election more than a majority of the qualified electors voting thereon, voted in favor of the ratification of said amendments and did ratify said amendments and each and both of said proposed amendments to said charter, and

WHEREAS, The Board of Trustees of said City of Sacramento at its first regular meeting thereafter, to wit, on the 9th day of November, 1903, duly canvassed the returns of said election and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified each of said proposed amendments to said charter; which said amendments are in the words and figures following, to wit:

1. That a new section be added to said city charter to be known as Section 231, which shall read as follows:

Section 231. *The Initiative.* Any proposed ordinance may be submitted to the Trustees by a petition signed by registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Trustees shall allow him extra help for that purpose, and he shall attach to said petition his certificate

Preamble.

The initiative.

Signatures.

City clerk to examine petition.

Amended petition. showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the Clerk shall submit the same to the Trustees without delay.

If the petition accompanying the proposed ordinance be signed by the electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Trustees shall either:

Trustees to pass ordinance. (a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 232 of this charter) and if the ordinance shall be passed by the Trustees, but shall be vetoed by the Mayor and on reconsideration shall fail of passage by the Trustees then, within five days after determination that said ordinance shall have so failed of final adoption, the Trustees shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

Trustees to call special election.

Certificate of clerk. (b) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Trustees shall proceed to call a special election at which said ordinance, without alteration shall be submitted to a vote of the people.

Petition signed by electors. If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance without alteration, shall be submitted by the Trustees to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Ordinance to be voted on.

Form of ballot. The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance).

Vote upon ordinance. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition and passed by the Trustees as provided in paragraph (a) of this section or which shall be adopted by a vote of the people, cannot be repealed or amended, except by a vote of the people.



Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, *provided* that there shall not be held under this section of the charter, more than one special election in any period of six months.

Number of ordinances voted on.

The Trustees may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general or special (unless the State law forbids the submission of such proposition at said special election) city election; and should such proposition so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required or authorized by this charter to be submitted to the voters of the city, at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the City Trustees may order such ordinance or proposition to be printed in the official newspaper of the city and published in a like manner as ordinances adopted by the Trustees are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

Repeal of ordinance.

Publication and mailing of proposed ordinance.

2. That a new section be added to said city charter to be known as Section 232, which shall read as follows:

Section 232. *The Referendum.* No ordinance passed by the City Trustees (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Trustees, but no grant of any franchise or concession shall be construed to be an urgency measure, but all franchises and concessions shall be subject to the referendary vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by the electors of the city equal in numbers to at least ten per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Trustees, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Trustees to reconsider such ordinance and if the same is not entirely repealed the Trustees shall submit the ordinance as is provided in Section 231 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors

The referendum.

Exceptions.

Protests.

Submission to voters.

voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 231, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

Ordinance submitted at regular or special election.

Any ordinance or measure that the Trustees or the qualified electors of the city shall have authority to enact, the Trustees may of its own motion submit to the electors for adoption or rejection at a regular or special election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such an election. If the provisions of two or more measures approved or adopted at the same election, under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Conflict.

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, }  
CITY OF SACRAMENTO. } ss.

Certificate of mayor and clerk.

This is to certify that we, W. J. Hassett, Mayor of the City of Sacramento, and M. J. Desmond, City Clerk of the said City of Sacramento, have compared the foregoing proposed and ratified amendments to the charter of the said City of Sacramento, with the original resolution proposing such amendments and submitting the same to the qualified electors of said city, at the general municipal election held on the third day of November, 1903, and that the foregoing is a full true and correct copy thereof; and we further certify that the facts set forth in the preamble preceding said amendments to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of said City of Sacramento, this seventh day of January, A. D. 1905.

W. J. HASSETT,

Mayor of the City of Sacramento.

M. J. DESMOND,

City Clerk of the City of Sacramento.

[SEAL]

AND WHEREAS, Said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section Eight of Article XI of the Constitution of the State of California—

Now, therefore be it

Resolution of legislature.

*Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all members elected to each house voting for the adoption of this resolution, and concurring herein), That the said amendments to the said charter

of said City of Sacramento hereinabove set forth, as presented and submitted to and adopted and ratified by, the qualified electors of said city, be and the said amendments are, hereby approved as a whole, for and as amendments to the said charter of said City of Sacramento.

### CHAPTER XIII.

*Assembly Joint Resolution No. 1, relative to the establishment of a national park at "The Pinnacles," in San Benito county, State of California.*

[Adopted February 8, 1905.]

WHEREAS, There is situated in southern San Benito county, in townships 16 and 17 south, range 7 east, M. D. M., a large body of conglomerate rocks called "The Pinnacles" and which are the largest conglomerate bowlders in the world, forming natural bridges, caves and gorges and are truly wonders of nature; and

Preamble.

WHEREAS, All of said land is government land excepting about two hundred acres, which said government land has been withdrawn from entry pending an investigation by the federal government into the merits of The Pinnacles as a site for the establishment of a national park; now therefore be it

*Resolved, by the Senate and Assembly of the State of California:* That we hereby indorse that establishment of a national park at The Pinnacles by the federal government; be it further

Favoring establishment of a national park at The Pinnacles.

*Resolved,* That our senators and representatives in congress be requested to aid in the establishment of said national park by the federal government; be it further

*Resolved,* That a copy of this resolution, duly attested by the proper officers of the senate and assembly, be forwarded by the chief clerk of the assembly to each of our senators and congressmen at Washington.

### CHAPTER XIV.

*Assembly Concurrent Resolution No. 5—Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, which said ten amendments were submitted to vote of, and ratified by, the qualified electors of said city at a general municipal election at which the same were duly submitted, and said election being held on December first, 1903.*

[Adopted February 8, 1905.]

*Be it Resolved:* That there has been presented by the City of Santa Barbara, a municipal corporation of the State of California, a certificate of its Mayor,—who is its chief executive officer,—and its City Clerk,—who is the ex-officio

Amendments to charter of the City of Santa Barbara.

Clerk of the Common Council of said city,—their signatures being authenticated by the official seal of said city;—which certificate is in the words and figures following, to wit:

**CERTIFICATE OF THE CHIEF EXECUTIVE AND CLERK OF THE CITY OF SANTA BARBARA, CALIFORNIA,**

**As to the adoption of certain amendments to the charter of said city, submitted to the qualified electors of said city December 1st., 1903.**

PREAMBLE.

*Be it Known:* That,

Preamble.

WHEREAS, The City of Santa Barbara, in the County of Santa Barbara, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said State containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the first Monday in January, A. D. 1900, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California,—which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of the State of California on the 20th day of February, 1899, (Statutes of 1899, pages 448 to 489, inclusive), and which said charter has never been amended; and,

WHEREAS, The legislative authority of said City of Santa Barbara, to wit: the Council of said city, did by a resolution by it passed on the 24th day of September, 1903, and approved by George S. Edwards, the Mayor and chief executive of said city on the 24th day of September, 1903, and pursuant to Section 8, Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said city eleven certain amendments to said charter of said City of Santa Barbara; and,

WHEREAS, Said resolution containing said eleven proposed amendments to said charter was duly published for twenty days after its passage and approval, in *The Daily News*, a daily newspaper printed, published and generally circulated in the City of Santa Barbara aforesaid; and,

WHEREAS, A general municipal election was held in said City of Santa Barbara on the first day of December, A. D. 1903,—which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and,

WHEREAS, In and by said resolution so passed, approved and published as aforesaid, said eleven proposed charter amendments were submitted to the qualified electors of said city at said general municipal election, and said qualified electors were notified that they might at said general municipal election vote upon any one or more or all of said proposals to so amend said charter; and,

WHEREAS, On the seventh day of December, 1903, at a

meeting of said Council of said City of Santa Barbara, duly convened in accordance with law and with the provisions of said charter of said city,—said Mayor and Council of said City of Santa Barbara did duly and regularly canvass the returns of said general municipal election so held on the first day of December, 1903, and did find therefrom that of said proposed amendments to said charter, amendments numbers one to ten, inclusive, were duly ratified by the majority of electors voting thereon; and number eleven of said proposed amendments was not ratified by such electors, said Amendment No. 11 having received less than a majority of the electors voting thereon; and,

Amendments to charter of the City of Santa Barbara.  
Preamble.

WHEREAS, Said Mayor and said Council after canvassing said returns, and at said meeting so held as aforesaid for said canvass, did duly find and declare that numbers one to ten, inclusive, of said proposed charter amendments had been ratified by a majority of the electors voting thereon, and that number eleven of said proposed amendments had received less than a majority of the electors voting thereon; and,

WHEREAS, Said amendments numbers one to ten, inclusive, so ratified by the electors of said City of Santa Barbara at said general municipal election of December 1st, 1903, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California;

Now, therefore, the undersigned, George S. Edwards, Mayor and Chief Executive of said City of Santa Barbara, and Alfred Davis, City Clerk and ex-officio Clerk of the Council of said city, authenticating their signatures with the official seal of said city,

DO HEREBY CERTIFY that the said ten amendments to said charter of said city so ratified by a majority of the electors voting thereon at said general municipal election of December 1st, 1903, were submitted to said electors and ratified by said electors in the words and figures as follows, and are and shall if so approved by said Legislature be, in the words and figures following, to wit:

CHARTER AMENDMENT NUMBER ONE (1) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 8 of said charter, and by substituting in lieu thereof the following as and for Section 8 of said charter:

Section 8. The non-elective officers of said city shall consist of a chief of police, a city engineer and a superintendent of streets.

Non-elective officers.

CHARTER AMENDMENT NUMBER TWO (2) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 14 of said charter, and by substituting in lieu thereof the following as and for Section 14 of said charter:

Election  
precincts.

Section 14. In establishing election precincts, the Council shall make them correspond with the wards into which the city is divided; *provided, however*, that the Council may divide any ward into two or more precincts; *and provided, further*, that, at any special municipal election, the Council may consolidate any number of precincts or wards into one special election precinct.

CHARTER AMENDMENT NUMBER THREE (3) TO THE CHARTER OF  
THE CITY OF SANTA BARBARA.

That said charter shall be amended by inserting therein, after Section 17 of said charter and before Article III of said charter, a new section to be numbered Section 17 (a), and to be as follows, to wit:

Terms of  
appointive  
officers.

Section 17 (a). The term of office of an appointive officer shall expire with the term of office of the officer by whom he is appointed, excepting where the ordinance authorizing such appointment, or this charter, prescribes a different term, *provided, however*, that in all cases the term of office of a deputy of any officer shall expire not later than the expiration of the term of office of his principal.

Exception.

CHARTER AMENDMENT NUMBER FOUR (4) TO THE CHARTER OF  
THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 19 of said charter, and by substituting in lieu thereof the following as and for Section 19 of said charter:

Compensa-  
tion of  
officers and  
employés.

Section 19. The other officers and employés of the city shall receive compensation as follows:

City clerk, and as auditor, one hundred dollars per month and for his compensation as assessor, seventy-five dollars per month for four months each year, commencing with the month of March.

City engineer, twelve hundred dollars per annum.

Chief of police, twelve hundred dollars per annum.

Superintendent of streets, one thousand dollars per annum.

City attorney, twelve hundred dollars per annum.

Police judge, one thousand dollars per annum.

Treasurer, five hundred dollars per annum, and an additional compensation as tax collector of three hundred dollars per annum, and five per cent on all license taxes collected.

School and  
library  
trustees.

School trustees, and trustees of the free public library, shall receive no compensation whatever for their services as such trustees; *provided*, that the secretary of the board of education may receive a compensation for his services as such secretary, to be fixed by said board at not exceeding twenty dollars per month; *provided, further*, that nothing in this charter contained shall preclude the Council of said city, by ordinance, from authorizing any deputy city officer or officers and fixing his or their compensation; *and provided, further*, that no term of office of any deputy city officer shall be created to extend beyond the term of the officer for whom he is a deputy.

Other com-  
pensation.

CHARTER AMENDMENT NUMBER FIVE (5) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by inserting immediately after Section 23 of said charter, a new section to be known and numbered as Section 23 (a), and to be in the words and figures following:

Section 23 (a). Pursuant to the provisions of Section 23 of this charter, the superintendent of streets shall give a bond in the penal sum of five thousand dollars.

Bond of street superintendent.

CHARTER AMENDMENT NUMBER SIX (6) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 43 of said charter and by substituting in lieu thereof the following new section to be numbered as Section 43, and to be as follows:

Section 43. The Council shall have power:

Powers of council.

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes and sidewalks and crosswalks upon the same; and in or over any plaza, park, or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the Council may adopt.

Establish widths and grades of streets, etc.

2. To regulate or prohibit traffic and sales in streets, highways and public places, and to regulate the use thereof by persons, associations and corporations, to prevent encroachment upon or obstructions to the same, and to require the removal of such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks.

Regulate traffic and sales in streets, etc.

3. To establish and maintain a pole line system or system of underground conduits in the city; to compel all telegraph, telephone, electric light and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, or therein, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations or persons using the same.

Establish and maintain conduits.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of the houses thereon.

Naming streets, etc.

5. To establish a general system of sewers, conduits and storm drains in the city and to regulate the building and repairing thereof, and connections therewith.

Sewer system.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, and cleaning and watering of streets.

Street pavement, etc.

7. To regulate dispensaries, hospitals, markets, and other public institutions.

Hospitals, etc.

8. To provide for the construction, maintenance, regulation and repair of bridges and public places.

Bridges.

9. To fix and regulate tolls and wharfage.

Tolls.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within or moved within or to within such limits and for restricting the height of buildings or structures.
11. To abate and remove nuisances.
12. To provide and maintain a morgue.
13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers.
14. To try and for cause remove from office appointees against whom charges have been preferred.
15. To regulate or prohibit the sale, keeping, storage and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive materials, and substances, and the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw and other inflammable materials, and the use of steam boilers.
16. To regulate, restrict and supervise, and for the purpose of such regulation, restriction and supervision, to specially tax the storage, manufacture and sale of explosives, acids, poisons, or inflammable materials; the manufacture of products giving rise to noxious odors or gases; the sale or furnishing of intoxicating liquors; the keeping or slaughtering of animals.
17. To regulate the keeping and use of animals, to prevent or regulate the running at large of any animals; to establish a pound; to authorize the impounding of animals found running at large, and to authorize the sale, disposition or destruction thereof.
18. To provide for the public printing.
19. To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, light, books, stationery and other supplies of any kind as are or may be necessary for the convenient transaction of public business.
20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools and vaults; to compel the connection, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.
21. To license any and all vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers and auctioneers, and to regulate and license the sale and furnishing, or sale or furnishing, of intoxicating liquors, and to regulate the conduct, keeping open and arrangement of places where intoxicating liquors are sold or furnished; and to license and regulate all shows and exhibitions of lawful games and to
- Fire districts and buildings.
- Nuisances.
- Morgue.
- Election precincts.
- Removal from office.
- Storage of explosives, etc.
- Tax on explosives, etc.
- Animals at large.
- Pound.
- Public printing.
- Buildings and supplies for officers.
- Construction and repair of sewers, etc.
- Removal of rubbish.
- Vehicles to be licensed, etc.
- Intoxicating liquors.



license either for the purpose of revenue or regulation, or for both such purposes, any or all business or occupations in said city; and to fix the rate and provide for and effect the collection, enforcement, suspension, limitation or revocation, of any or all of the licenses authorized by this charter.

22. To regulate the entrance to and exits from theatres, lecture rooms, public halls, churches, and public buildings of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches and other obstacles in the halls, aisles or open places therein.

Entrances to and exits from public buildings.

23. To establish, maintain and regulate a fire alarm, police telegraph, and police telephone.

Fire alarm.

24. To provide general regulations as to the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for, and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

Regulation of gas pipes, water mains, fire plugs, etc.

25. To require every person, firm or corporation owning, operating or maintaining a track or tracks, upon any street or streets, or portion of street of said city, where cars or engines of any kind are drawn or propelled by mechanical or other means, to keep the portion of said street or streets which lies between such tracks, or between the rails thereof, and between any switch or switches, or turn-out or turn-outs, and for two feet upon each side of the exterior rails of such tracks, switches or turn-out or turn-outs, in repair with the same material, and in the same manner as the portion of the street so occupied; and to provide, by ordinance, regulations for the erection and maintenance of gates and guards on any or all grade crossings in said city; *provided, however,* that such regulations may apply to any one, or more, or all classes of transportation companies, cars, or engines.

Repairing streets and car tracks.

Gates and guards.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial means of illumination.

Lighting of streets and public grounds.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

Fines for violation of ordinances.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter; and to fix and regulate the charges and fees of all such officers, where the charges, fees and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

Rules to govern official conduct and fees.

29. To create, control, regulate, abolish, or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

Cemeteries.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding and clothing of city prisoners.

City prison.

Employment of prisoners. 31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

Riots. 32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

Water supply. 33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain and operate its own water supply.

Sale of gas and electric light. 34. To regulate the use and sale of gas and electric lights and other illuminants, and fix and determine the price of gas and electric lights, and other illuminants, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones, and telephone service and connections; and the removal and placing underground of any and all wires or telegraph, telephone, or electric light wires, or upon the pole line, or in the underground conduits established by the city.

Telephone, telegraph, and electric light service. 35. To grant or extend for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly; bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on increase in the population of the city; and to fix the rate of fare, not exceeding five cents for each passage, on such railways, conditional that the rate of fare so fixed, shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist operated under franchises similarly conditioned; *provided, however*, that should the Council, by resolution, determine that the public necessity or convenience so requires, they may grant or let a franchise or franchises for any public service, under the provisions of the general law which may exist at the time when such resolution is passed, without reference to, or compliance with the foregoing provisions of this subdivision, excepting the provisions fixing the rate of fare.

Street railway franchises. 36. To provide and maintain all public buildings, parks or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

Bidders. 37. To provide for the execution of all trusts confided to the city.

Rates of fare. 38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state and county purposes.

Excep- tions. 39. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen or unclaimed property as may be in the possession of the police or other officers of the city.

Main- tenance of public buildings, etc.

Execution of trusts.

Levy of taxes and assess- ments.

Leasing and sale of property.

40. To regulate all parades and processions, and public assemblages upon the streets, and to determine what parades, processions and public assemblages thereon shall not be lawful, and to declare the same a nuisance. Parades and processions.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments hereby established. Fire, health, and police.

42. To make or pass all ordinances, by-laws, resolutions, rules and regulations necessary and proper for carrying out or into execution the powers herein given, and all other powers vested by this charter, or by general law, in said city. Other powers.

43. To make and enforce all such local, police, sanitary and other regulations as are not in conflict with general laws or provisions of this charter. Same.

44. The Council shall have power by ordinance, and it shall be its duty to fix and determine annually the rates of compensation to be collected by any person, firm or corporation in the city for the use of the water supplied to the city, or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision. Water, tolls, and wharfage rates.

45. The Council shall have power to provide music for public entertainment. Music for public entertainment.

46. The Council shall have power to provide for said city a public telephone system, and other means for the transmission of sounds, signals, conversation and intelligence by electricity or otherwise; and to construct, purchase, lease, own, control, maintain, operate and collect tolls, or charges for the use of any such system or systems. Public telephone system; tolls and charges.

CHARTER AMENDMENT NUMBER SEVEN (7) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 123 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 123, and to be as follows, to wit:

Section 123. The city engineer shall be a citizen and a resident and qualified elector of the city at the time of his appointment, and shall continue as such during his term of office. City engineer.

In addition to the other duties imposed upon him by this charter, or by ordinances of the Council, the city engineer shall: Duties.

1. Make all surveys, inspections and estimates required by the Council. Surveys.

2. He shall examine all public work done under contract, and report thereon in writing to the Council. Examine public work.

3. He shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor. Make survey on application.

Custodian  
of maps,  
etc.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

Maps, etc.,  
property  
of city

5. All maps, plats, profiles, field notes, estimates and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

Examina-  
tion of  
work and  
materials

6. He shall examine the work done under, and materials used in the construction of all buildings or improvements done by or under the authority of said city, and shall at once report to the Council in writing all deviation from contracts, and the use of any improper material, or any bad workmanship in such works.

CHARTER AMENDMENT NUMBER EIGHT (8) TO THE CHARTER OF  
THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 124 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 124, and to be as follows:

Superin-  
tendent of  
streets.

Section 124. The superintendent of streets shall, at the time of his appointment, be a citizen, resident, and qualified elector of said city, and shall continue as such during his term of office.

Inspection  
of streets.

He shall have the general care of and frequently inspect the streets of said city, and shall see that all traveled streets are kept in good repair.

Com-  
plaints.

He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction, whether done under contract or otherwise; and shall at once report to the Council, in writing, all deviation from contracts, and the use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon.

Superin-  
tend work.

Report to  
council.

Other  
duties

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

CHARTER AMENDMENT NUMBER NINE (9) TO THE CHARTER OF  
THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 164 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 164, and to be as follows:

Creation  
of new  
office

Section 164. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the Council. Whenever in the judgment of the

Council no necessity exists for the continuation of any appointive office created or provided for by this charter, said Council by an ordinance for that purpose, may discontinue such office; *provided, however*, the Council shall not have power to abolish or discontinue the office of chief of police, or the office of city engineer, or the office of superintendent of streets.

Council's powers regarding certain offices.

CHARTER AMENDMENT NUMBER TEN (10) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 165 of said charter, and by substituting in lieu thereof the following new section to be known and numbered as Section 165, and to be as follows:

Section 165. All officers, deputies, clerks, and assistants of the city, and of the several departments thereof, must be citizens of the United States, and during their respective term of office or employment must reside in the city, and where not otherwise provided for must, with the exception of the city engineer, the city superintendent of schools and teachers of the public schools, have been residents of the city one year next preceding their election or appointment. They and each of them shall perform such duties as may be required of them, respectively, by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective office or employment, except as in this charter provided.

Officers, etc., to be citizens of the United States.

Residence, and time of.

Duties and compensation.

And that said George S. Edwards, as Mayor and chief executive of said city, and Alfred Davis, as Clerk of said city and ex-officio Clerk of the Council thereof, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendments numbers one to ten, inclusive, to the charter of said City of Santa Barbara, with the original resolution proposing said amendments and submitting them to the qualified electors of said city at a general municipal election held in said city on the first day of December, 1903, and with the proceedings of the Council of said city on file in the office of said City Clerk subsequent to the passage of said resolution and relating to the adoption of said amendments, and from such comparison and examination we find, and hereby certify, that the foregoing contains a full, exact, true and correct copy of said charter amendments numbers one to ten, inclusive, to the charter of said city.

Certificate of mayor and clerk.

And we further hereby certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

And for and on behalf of said city,—we being thereunto duly authorized,—do hereby request the Legislature of the State of California to adopt and approve said amendments numbers one to ten, inclusive, to said charter, as a whole; and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and caused our signatures to be authenticated by the Official Seal of said City of Santa Barbara, on this the thirtieth day of December, 1904.

[SEAL]

GEO. S. EDWARDS,  
Mayor and chief executive of the  
City of Santa Barbara, California.

ATTEST:

ALFRED DAVIS,  
City Clerk of the City of Santa Barbara, California, and ex-officio Clerk of the Council thereof.

Now, therefore, be it hereby

Resolution  
of legisla-  
ture.

*Resolved by the Assembly of the State of California, the Senate of said State concurring* (and a majority of all the members elected to each house voting for and concurring therein), That the foregoing amendments numbers one to ten, inclusive, to the charter of the City of Santa Barbara, California, as proposed to, and adopted and ratified by, the qualified electors of said city, be, and the same are and each of them is hereby, approved as a whole, without amendment or alteration for, and as amendments to, and as part of, the charter of said City of Santa Barbara aforesaid.

## CHAPTER XV.

*Assembly Concurrent Resolution No. 12—Approving the charter of the City of San Bernardino, State of California. Voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 6th day of January, 1905.*

[Adopted February 8, 1905.]

Charter of  
the City of  
San Ber-  
nardino.

Preamble.

WHEREAS, The City of San Bernardino, a municipal corporation of the County of San Bernardino, State of California, now is and was at all the time herein referred to, a city containing a population of more than three thousand five hundred inhabitants and less than ten thousand inhabitants; and

WHEREAS, At a special municipal election, duly held in said city on the 30th day of July, 1904, under and in accordance with the law and provision of Section eight of Article eleven of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of San Bernardino; and

WHEREAS, The said charter was on the 27th day of October, in the year 1904, signed in duplicate by the members of

said board of freeholders and was thereupon duly returned and filed with the president of the board of trustees of said City of San Bernardino, and the other copy thereof was filed with and in the office of the county recorder of the County of San Bernardino; and

Charter of  
the City of  
San Ber-  
nardino.  
Preamble.

WHEREAS, Such proposed charter was thereafter published in the San Bernardino Daily Times-Index and in the San Bernardino Daily Sun, each being daily newspapers of general circulation in said City of San Bernardino. The said charter being published for a period of twenty days and more, the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of San Bernardino to the qualified voters of the City of San Bernardino at the special election previously duly called and therein held on the 6th day of January, 1905; and

WHEREAS, At said last mentioned special election, a majority of said qualified electors of said city voting at such special election, voted in favor of the ratification of such charter as proposed as a whole; and

WHEREAS, Said board of trustees after canvassing said returns, duly found and declared that the majority of said qualified electors, voting at special election, had voted for ratifying said charter; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section eight of Article 11 of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in words and figures following, to wit:

## CHARTER OF THE CITY OF SAN BERNARDINO.

### ARTICLE I.

#### BOUNDARIES, RIGHTS AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of San Bernardino, shall remain and continue a body politic and corporate in name and in fact, by the name of the City of San Bernardino, and by that name shall have perpetual succession and may sue and defend in all court and places and in all matters and proceedings whatever, and all property, rights and interests of the said city shall continue and vest in and belong to said city under this charter. It may have and use a common seal and alter it at pleasure; may purchase, receive and hold real and personal property within and without the city limits; may sell and dispose of the same for the common benefit; receive bequests and donations of all kinds of property in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such

Rights and  
liabilities.

bequests and donations, with power to manage, sell or otherwise dispose of the same in accordance with the terms of bequest or donation.

Bound-  
aries.

Sec. 2. The boundaries of the City of San Bernardino shall be as follows: Commencing at the southeast corner of block seven of the Rancho San Bernardino, at the intersection of the center lines of Mill street and Waterman avenue, and running thence north along said center line of Waterman avenue, and along the east boundary of said block seven, and of blocks six, five, four, three, two, one and thirty-two of said rancho, to the northeast corner of lot one of said block thirty-two; thence west along the north boundary of said lot one and of lot fourteen of said block thirty-two, and the north line of lots one and fourteen of block thirty-three, lots one and fourteen of block thirty-four, lots one and fourteen of block thirty-five, lots one and fourteen of block thirty-six, lots three and six of block fifty-three, lots three and six of block fifty-nine, to the northwest corner of said lot six of block fifty-nine; thence south along the west line of lots six and five of said block fifty-nine to the southwest corner of said lot five of block fifty-nine; thence east along the south line of said lot five to the intersection of the west line of lot twenty-four of block twenty-one with the north line of Base Line street; thence south along the west line of lots twenty-four and seven in said block twenty-one, lots twenty-four and seven of block twenty-two, lots twenty-four and seven of block twenty-three, lots twenty-four and seven of block twenty-four, and lots twenty-four and seven in block twenty-five, to the southwest corner of said lot seven of block twenty-five, at the intersection of said west line with the north line of First street; thence east along the south line of said block twenty-five and along said north line of First street to the northwest corner of lot eight in block sixty-six, at the intersection of the west line of said lot eight with the said north line of First street; thence south along the west line of lots eight and one of block sixty-six, to the southwest corner of said lot one of block sixty-six, at the intersection of said west line with the center line of Mill street; thence east along the center line of said Mill street, and along the south line of blocks sixty-six, fourteen, thirteen, twelve, eleven, ten, nine, eight and seven, to the southeast corner of said block seven at the place of beginning; all being in and of the Rancho San Bernardino, according to the plan of survey of said rancho, of record in the office of the county recorder of said San Bernardino county.

Jurisdic-  
tion.

The jurisdiction of said city, for all purposes of ownership, control, protection, management and maintenance, shall extend to and embrace all that parcel of land about two and one-half miles northwest of the court house in the City of San Bernardino, consisting of ten acres, more or less, and known as the "City Reservoir Tract," and that other parcel of land of about twenty-two acres about one-half mile east of the city limits known as the "Job Antil Tract," and such



jurisdiction shall also extend to any other real property that may hereafter be acquired by said City of San Bernardino.

SEC. 3. The city shall be divided into five wards and the five several wards of said city, with boundaries as they now exist, are hereby recognized and established as the wards under this charter. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and common council; *provided*, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election; *and provided further*, that the boundaries shall always be made so that all the wards shall be in compact form and equal in population as near as may be.

Wards.

Time and  
change of  
bound-  
aries.

## ARTICLE II.

## ELECTIONS AND OFFICERS.

*Elections.*

SEC. 10. The provisions of all general laws governing elections for state and county officers, not inconsistent with the provisions of this charter, are hereby adopted as the laws governing city elections for city officers, and the provisions of all laws governing general or special elections in municipalities applicable to all municipalities of the state, or to municipalities of the fifth class, and not inconsistent with the provisions of this charter, are hereby adopted as the laws governing all general or special elections held within the city, and in all elections the mayor and common council and the city clerk respectively shall exercise the powers and perform the duties conferred or imposed by law on boards of supervisors and county clerks concerning elections.

Elections  
and  
officers.

SEC. 11. The mayor and common council shall provide for the holding of all city elections. The boundaries of the precincts shall remain as fixed for the election of state and county officers at the last general election, preceding a city election, unless changed by ordinance. Each inspector, judge and clerk of election shall receive four dollars for his services. The election returns from each precinct shall be filed with the city clerk within twelve hours after completion of canvass, who shall immediately place the same in the vaults of the city clerk's office, or in some safe place of deposit under his control, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the common council.

Elections  
provided  
for by  
mayor and  
council.Compensa-  
tion of  
election  
officers.Election  
returns.

On the second day after a city election, exclusive of holidays, at 7:30 o'clock P. M., the mayor and common council shall meet at the city hall and proceed to canvass the election returns and declare the result. If a tie vote should occur between two or more otherwise receiving the highest number of votes for any elective city office, the mayor and common council shall declare no election for such office and shall call a special election to be held within thirty days to fill such office; should more

Canvass  
of election  
returns.

Tie vote.

than two candidates be on the ticket for any office, the candidate having the highest number of votes shall be declared elected.

City clerk to issue certificate of election.

SEC. 12. After the result of an election is declared, or an appointment made, the city clerk under his hand and official seal shall issue a certificate thereof to the person elected or appointed by delivering it to him personally, or by depositing it with postage prepaid in the postoffice, addressed to him at the City of San Bernardino; and within ten days thereafter such person so elected, or appointed, shall file the certificate with his oath of office attached, in the office of the city clerk. When an official bond is required of an officer it shall be approved and filed before entering upon the duties of his office, within twenty days after the certificate of election is issued to him.

Approval and filing of bond.

First election.

Officers elected.

Time and qualification.

SEC. 13. The first election of city officers under this charter shall be held on the second Monday of April, 1905. The officers elected at that time shall consist of a mayor who shall be elected at large and thereafter biennially, and three members of the common council, one each from the first, second and fourth wards of the city to be elected by wards and thereafter they shall be elected every fourth year by the qualified electors of their respective wards. The mayor and such members of the common council shall take office at 12 o'clock, noon, on the second Monday of May, 1905. The present trustees of the third and fifth wards shall hold office during their present term, and shall act as members of the common council from said third and fifth wards until the second Monday of May, 1907. The city marshal, city attorney, city clerk, treasurer, assessor, police judge and recorder shall also continue to hold office and act as such under this charter, until said second Monday of May, 1907.

Future elections.

Officers and terms.

SEC. 14. There shall be elected at a general municipal election to be held on the second Monday of April, 1907, and every fourth year thereafter, two members of the common council, one each from the third and fifth wards, who shall be elected by the qualified electors of their respective wards; a mayor, city attorney, city clerk and police judge, except that the mayor shall be elected biennially and whose term of office shall be for two years from and after the second Monday in May next succeeding his election. The police judge shall be ex-officio city treasurer. The city attorney, city clerk, police judge and ex-officio treasurer and the members of the common council shall hold office for a term of four years from and after the second Monday in May next succeeding their election. A general municipal election shall be held biennially on the second Monday in April of every odd numbered year for the election of city officers.

Other elections.

Vacancies.

SEC. 15. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony or of any offense involving a violation of official duties, or is removed from office, or ceases to be a resident of the city,

or neglects to qualify by taking the oath of office and filing his official bond within the time prescribed by law or this charter, or shall be absent from the city for more than thirty days consecutively without the consent of the mayor and common council first obtained. The mayor and common council shall not grant a leave of absence for a period longer than sixty days in any case, except for the purpose of transacting official business.

Leave of absence.

### *Bonds and Salaries.*

SEC. 20. Officers of the city, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall execute to said city such official bond as may be required by law, ordinance or this charter. When the amount of any bond is not fixed by law, ordinance or this charter, and power to fix the same is not herein conferred upon any board or officer, it may be fixed by ordinance. All bonds shall be approved by the mayor and common council and filed with the city clerk, and shall be recorded by the city clerk in a book entitled "Official Bonds" and kept for that purpose, except the bond of the city clerk, which shall be filed with the mayor, after being so recorded. The approval of every official bond must be endorsed thereon and signed by the officers approving the same after the examination of the surety.

Bonds.

Approval of.

SEC. 21. City officers shall not be accepted as surety for each other on official bonds. Every bond shall be in form joint and several and made payable to the City of San Bernardino, and contain a condition that the principal will faithfully perform all official duties that may be imposed upon or required of him by law or ordinance, and that at the expiration of his term of office he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Said bond must be executed by two or more sureties, but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for a portion of not less than twenty-five hundred dollars; when there are more than two sureties, said sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. But the mayor and common council may require the treasurer to give a surety company bond, in which case the expense of such bond shall be borne by the city, and may accept and approve of a surety company bond for any officer without other surety.

City officials as surety.

Form of bonds.

Liability of sureties.

Bond of surety company.

SEC. 22. Every surety upon an official bond must justify in the manner prescribed by the Political Code of this state for official bonds.

Sureties to justify.

SEC. 23. When an official bond is required of an officer, the mayor and common council may require an additional bond if, in their opinion, the original bond or any surety becomes insufficient. If such additional bond be not given in thirty

Additional bond.

days, the mayor and common council must declare the office vacant and thereupon it shall become vacant.

Vacancy.

Salaries. SEC. 24. The officers hereinafter named shall receive the following annual salaries: The mayor, \$800; councilmen, each, \$200; city clerk, \$1000; city attorney, \$600; chief of police, \$1500; police judge, \$1000, who shall be ex-officio treasurer. Salaries of all officers shall be payable monthly.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

*The Common Council.*

SEC. 30. The legislative power of the city is hereby vested in the common council consisting of five members, three of whom shall constitute a quorum, but a less number may adjourn from time to time, or compel the attendance of other members. No order, except to adjourn for a lack of a quorum, or to compel the attendance of a quorum, and no ordinance, or resolution shall be valid unless it receive the affirmative vote of three councilmen.

Legislative power.

Majority vote

SEC. 31. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts which being less formal in character require only to be duly passed by the common council and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the mayor, except when four members of the common council concur in its adoption. In case of orders, the approval of the mayor shall be presumed unless at the same meeting at which the order is passed, the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the mayor who shall, within five days after he has received the same, endorse his approval, or disapproval thereon, giving the reason for his disapproval.

Ordinances and resolutions.

Approval of mayor.

No ordinance or resolution shall be placed upon its final passage in the common council upon the same day that it has been introduced and read in full the first time, nor until five days thereafter; and every ordinance or resolution to be valid must be passed by a vote of not less than three councilmen and approved by the mayor; *provided* that if the mayor fails to approve the same it may be passed by a vote of not less than four councilmen, and shall take effect as if approved by the mayor.

Final passage.

Validity.

SEC. 32. The enacting clause of all ordinances shall be: "The mayor and common council of the City of San Bernardino do ordain as follows."

Enacting clause.

SEC. 33. All ordinances, before taking effect, shall be published at least for three consecutive days, exclusive of holidays, in some daily newspaper printed and published in the City of San Bernardino.

Publication of ordinances.

SEC. 34. The common council shall have power to adopt rules for its own proceedings; to compel the attendance of witnesses and absent members; the production of papers in any matters under investigation; to judge of the qualification and election of its own members; to punish any member by a fine not exceeding fifty dollars for disorderly or contemptuous behavior in its presence; and may expel a member or any city officer appointed by the mayor and common council for continued neglect of his duty, or the willful violation of any penal law, or any provision of this charter; but in every case the member or officer accused, if holding office for a definite term, shall be entitled to have written charges preferred and be heard in his own behalf.

Powers of common council.

Written charges.

The ayes and noes shall be taken and entered in the journal of its proceedings at the request of any member, and must be so taken and entered upon the passage of all ordinances and resolutions, and in matters concerning the granting of franchises, making of contracts, allowing bills, ordering work to be done, or supplies to be furnished, disposing of city property, or any act that may involve the payment of money or the incurring of a debt against the city.

Ayes and noes.

SEC. 35. All meetings of the common council shall be public, and the regular meetings shall be held on the first and third Mondays in each month, unless such days be a legal holiday, when the meeting shall be held on the following day. Adjournments may be taken from a meeting to a day certain, and in such case the adjourned meeting shall be deemed an adjourned regular meeting.

Meetings, time of.

Adjournment.

SEC. 36. The mayor shall preside at all meetings of the common council, but shall not be entitled to vote. In the absence of the mayor, the common council may choose one of their own number to preside who shall retain the right to vote upon all questions under consideration, and shall have the same power to disapprove any order made by the common council, and with like effect as mayor would have had if present at the meeting.

Mayor to preside.

Absence of mayor.

In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the mayor is unable to perform the duties of his office, the common council shall appoint one of their own number mayor pro tempore who shall have all powers and authority which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman.

Vacancy or absence of mayor.

*Subjects of Legislation.*

SEC. 40. The mayor and common council shall have power to pass ordinances, not in conflict with the constitution of this state, or the United States, or the provisions of this charter, upon all matters pertaining to municipal affairs, as follows:

Legislation.

- Real and personal property. First—To purchase, receive and hold real and personal property within or without the city limits; to sell or dispose of the same for the common benefit; *provided, however,* that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election, and the approval thereof be given by a majority of the electors voting on the proposition. Nothing in this section shall be construed as affecting the power of the mayor and common council to abandon or close streets;
- Sale of real property. Second—To make and enforce all such local, police, sanitary and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits, or on lands under the jurisdiction of the city, and provide penalties and punishment therefor, although the offense constituting the misdemeanor be also a violation of the penal laws of the state;
- Streets. Third—To define nuisances and provide for their removal;
- Police and sanitary regulations. Fourth—To license for purposes of regulation and revenue all and every kind of business, all shows, exhibitions and lawful games carried on in the city, and to fix the rate of license tax thereon;
- Nuisances. License tax. Fifth—To levy and collect taxes;
- Taxes. Sixth—To establish and maintain a fire department, prescribe fire limits and adopt regulations for the protection of the city against fire;
- Fire department. Seventh—To establish and maintain a police force;
- Police. Eighth—To protect the city against overflow;
- Overflow. Ninth—To prohibit and suppress lewdness and houses of ill-fame and all indecent and immoral amusements and exhibitions;
- Houses of ill-fame. Tenth—To prohibit the storage of gunpowder, oils or other combustible substances in quantity;
- Storage. Eleventh—To lay out and maintain parks;
- Parks. Twelfth—To regulate hospitals, pest houses and slaughter houses, and to provide for their removal or discontinuance;
- Hospitals, etc. Thirteenth—To provide cemeteries and regulate their management;
- Cemeteries. Fourteenth—To establish and regulate a public pound;
- Pound. Fifteenth—To provide a city prison and require the prisoners undergoing sentence for misdemeanor to perform such labor as may be prescribed;
- City prison. Sixteenth—To establish, construct, maintain and repair drains and sewers;
- Sewers. Seventeenth—To establish, build and repair bridges, to establish, lay out, alter, keep open, open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle, oil and light the same; to remove all obstructions therein; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or part; and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof; to cause to be planted, set out and cultivated shade

trees therein; and generally to manage and control all such highways and places;

Eighteenth—To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of ordinances to fix the penalty by a fine or imprisonment, or both, but no such fine shall exceed five hundred dollars, nor the term of such imprisonment exceed six months. The violation of any lawful ordinance made by the mayor and common council shall constitute a misdemeanor and shall be prosecuted in the name of the people of the State of California;

Fines and penalties.

Nineteenth—To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation;

Compensation and removal of officers.

Twentieth—To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein, subject to the powers and supervision of the board of water commissioners as in this charter provided;

Water supply.

Twenty-first—To acquire, own, construct, maintain and operate street railways, telephone and telegraph lines, gas, electrical and other works for light, power and heat, and to supply such light, power and heat to the municipality and the inhabitants thereof; and to acquire, own and maintain public libraries, museums, gymnasiums, parks and baths;

Public utilities.

Twenty-second—To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the construction and operation of street railways and the running of cars drawn by steam, electricity or other power thereon; and the laying of gas and water pipes in the public streets; and the construction and maintenance of telegraph and telephone lines therein;

Construction permits.

Twenty-third—To maintain public schools;

Schools.

Twenty-fourth—To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and to prescribe for any officer, duties other than herein prescribed;

Duties not defined.

Twenty-fifth—To impose and collect an annual license tax on every dog owned or harbored within the limits of the city;

Dog tax.

Twenty-sixth—To pass all orders, resolutions and ordinances, and to do and perform any and all other acts and things, necessary or proper to a complete execution of the powers vested by law or this charter, or inherent in the municipality, or that may be necessary or proper for the general welfare of the city or its inhabitants;

Other powers.

SEC. 41. The mayor and common council shall have power, and it shall be their duty to provide by ordinance a system for the assessment, levy and collection of all city taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this

System for assessment, levy, and collection of taxes.

state in reference to assessment, levy and collection of state and county taxes, except as to the times for such assessment, levy and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency, and the cost of collection shall constitute liens on the property assessed, from and after the first Monday in March each year, which liens may be enforced by a summary sale of such property and the execution and delivery of all necessary certificates and deeds therefor, and such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such lien; *provided* that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes, or special assessment under the provisions of this charter, shall have the same force and effect in evidence as is, or may hereafter be provided by law for deeds for property sold for non-payment of state, or county taxes; *provided however*, that the maximum rate of taxation to and until the first Monday in March, at noon, 1907, shall not exceed in any one year \$1.00 upon each one hundred dollars of valuation of property assessed, exclusive of the amount necessary to pay the principal and interest of the bonded indebtedness of the city, and exclusive of the high school tax; *and provided further*, that the maximum rate of taxation thereafter shall not exceed in any one year \$1.35 upon each one hundred dollars valuation of property assessed on the bonded indebtedness of the city, and exclusive of the high school tax.

Liens on property.

Redemption of property.

Deeds.

Maximum rate of taxation.

Underground wires of telephone, telegraph, and electric light companies.

SEC. 42. The mayor and common council shall have power at any time, by ordinance, to compel all telephone, telegraph, electric light, power and trolley companies, or other persons, having wires, or fixtures upon the public streets of the city, to place their wires and fixtures underground within the streets of the city; and it shall be the duty of the mayor and common council to pass an ordinance compelling all telephone, telegraph, or other wires, or fixtures on the public streets of the city within the present fire limits, excepting electric light, power and trolley wires, to place the same underground, on or before the first day of June, 1907.

#### *Equalization.*

Mayor and common council to sit as board of equalization.

SEC. 45. Until the mayor and common council shall, by ordinance, avail the city of the provisions of the act of the legislature approved March 27, 1895, hereinafter more particularly referred to, the common council shall meet at their usual place of holding meetings on the second Monday of August of each year, at 10 o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and assessments equalized. They



shall have power to hear complaints, and to correct, modify or strike out any assessment upon five days notice being given either personally or by mail to the party whose assessment is to be raised. The corrected list for each assessment shall be the assessment roll for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. The common council acting as a board of equalization shall remain in session as such for ten days; they can adjourn from day to day and shall receive no extra compensation for their labor.

To hear complaints, etc.

City clerk to certify.

Sessions.

## ARTICLE IV.

## EXECUTIVE DEPARTMENT.

*Mayor.*

SEC. 50. The chief executive officer of the city of San Bernardino shall be designated the "Mayor." He shall be at least thirty years old, a citizen of the state, and a resident and qualified elector of the city for the five years next preceding the day of his election. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall, at all times, be open to all persons for inspection and examination. He shall take special care to see that all the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcation or willful neglect of duty or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the common council in order that the public interests may be protected and the person in default proceeded against according to law. He shall, from time to time, give the common council information in writing relative to the state of the city's municipal affairs and business, and shall recommend such measures as he may deem beneficial.

Mayor.

Duties of mayor.

Books, records, and official papers.

Mayor to report neglect of duty, etc.

He shall have the books and records of all public departments, pertaining to the finances of the city, experted by a competent person at least once in every year. Any person refusing to submit to or permit such examination, or purposely delaying, or impeding the same, may be suspended from office by the mayor and removed for malfeasance by the mayor and common council. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

Books and financial records to be experted.

Other duties.

Mayor to appoint officers.	SEC. 51. The mayor, with the consent and approval of the common council, shall appoint all officers, and fill all vacancies in an elective office not otherwise provided for in this charter, except members of the common council; <i>provided</i> that in no
Tenure of office.	case where a vacancy has occurred and an appointment been made to an elective office, shall the officer hold beyond the next general municipal election at which time an election shall be held for that office so vacated to fill the unexpired term. In
Vacancy in council.	case of a vacancy in the common council, the mayor and a majority of the remaining members of the common council shall call a special election to be held within thirty days to fill the vacancy for the unexpired term. In case of a vacancy in
Vacancy in office of mayor.	the office of mayor, the vacancy shall be filled by the common council by a majority vote, and the appointee shall hold office for the unexpired term.
Contracts and agreements.	SEC. 52. The mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed, except councilmen. He shall have power to suspend any city appointive officer for a dereliction, neglect or non-performance of duty, and shall immediately, in writing, report the same to the common council. If the common council, after a hearing, approve
Power to suspend.	of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the mayor, subject to the approval of the common council. It shall be the duty of every
Vacancy, how filled.	officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, to forthwith report to the mayor all facts and information within his possession concerning such matters, and a willful failure so to do, shall be cause for removal of such appointive officer or employé as in the case of malfeasance in office.
Violation of contracts, etc.	SEC. 53. The mayor, or three members of the common council, may in writing call special meetings of the common council; and such call shall state the object of the meeting and no business other than that stated therein shall be transacted; <i>provided however</i> , that such call shall be served by serving a copy thereof upon each member of the council not joining in the call, and also upon the mayor when not making the call, either personally at least three hours before the time for such meeting, or by depositing a copy thereof in the United States postoffice in said city, with postage prepaid, addressed to the councilman or mayor to be so served, at said city at least twenty-four hours before such meeting.
Special meetings of council.	
Notice of meeting.	

*City Attorney.*

SEC. 55. The city attorney shall have been an elector of the city for at least two years before his election. He shall be duly admitted to practice by the supreme court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least five years next before his election. It shall be his duty to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion in writing, whenever required in writing by the mayor or common council, or any board or department or city officer, upon any matter pertaining to municipal affairs. He shall be the legal adviser of all city officers; he shall draft the form of all official, or other bonds given to, and all contracts made with the city, he shall draft, when requested by the mayor or common council, or any member thereof, any and all proposed ordinances, resolutions, or orders of the common council; and do and perform all other things touching his office requested of him by the mayor, or common council; and shall prosecute all civil and criminal cases on behalf of the city, or the board of education.

City attorney,

Duties of.

*City Clerk.*

SEC. 60. The duties of the city clerk shall be to keep the corporate seal and all books, papers, records and all other documents belonging to his office; attend all the meetings of the common council and keep a journal of the proceedings. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and records shall be kept properly indexed and be open to public inspection during office hours. He shall number and keep a record of all demands allowed and certified to him by the boards and commissioners created by this charter, which allowance has been approved by the mayor, showing the date of approval, to whom the same is allowed, the nature of the claim, and the fund out of which the same is payable. He shall keep a complete set of books for the city, in which shall be set forth in a plain businesslike manner, every money transaction so that he can at any time tell the exact condition of the finances of the city. He shall report to the mayor monthly the condition of each fund in the treasury. He shall make an annual report, showing the sources from which the city's revenues were derived, and how expended for the previous fiscal year. He shall issue all licenses, and draw and countersign all warrants on the treasurer. He shall prepare and present to the mayor and common council, on the fourth Monday of July of each year, an estimate of the probable necessities of the city for the ensuing fiscal year, and shall do and perform all other acts required of him by this charter, or by ordinance, or which may be required of him by the mayor and common council.

City clerk.

Duties of.

*City Assessor.*City  
assessor.

SEC. 65. Until the mayor and common council shall by ordinance avail the city of the provisions of the act of the legislature approved March 27, 1895, hereinafter more particularly referred to, the office and duties of the city assessor shall be controlled and governed by the law relative to the duties of city assessor as provided in Section 787 of Chapter VI of an act of the legislature of the State of California, approved March 13, 1883, entitled: "An act to provide for the organization, incorporation and government of municipal corporations," and also in accordance with the amendments thereto and the provisions of the ordinances of this city.

Duties,  
how  
governed.*Treasurer.*

Treasurer.

Duties of.

SEC. 70. The treasurer shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed. He shall make a monthly statement to the mayor and common council of the receipts and expenditures of the preceding month, and shall perform all duties required of him by law and the mayor and common council. He shall not pay out any moneys belonging to the city except on claim presented, allowed and submitted in the manner provided by this charter.

Marshal,  
treasurer,  
and  
recorder.

Duties of.

SEC. 75. Until the second Monday in May, 1907, the duties of the marshal, treasurer and recorder shall be those prescribed for marshal, treasurer and recorder respectively by Chapter VI of the aforesaid act of the legislature of the State of California approved March 13, 1883, and amendments thereto.

*City Engineer.*Engineer  
and  
surveyor.

Duties of.

SEC. 80. The mayor may, subject to the confirmation of the common council, appoint a civil engineer and surveyor who shall be known as city engineer. He shall perform the duties prescribed by this charter, and such other duties as may be prescribed by the mayor and common council. He shall have had at least five years' practical experience as a civil engineer. He shall possess the same power in said city in making surveys, plats and certificates as is, or may, from time to time be given by law to county surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity, and be of the same force and effect as are or may be given by law to those of county surveyor. The duties of the city engineer when directed or requested by the common council shall be as follows:

To attend  
meetings.

First—To attend all council meetings held for the purpose of discussing, ordering or accepting public works, and advise the council as to all engineering questions;

Examina-  
tion of  
improve-  
ments.

Second—To examine and report, when directed by the mayor and common council, upon any proposed improvement, repair, or change in the public works of the city;

Third—To perform all civil engineering and surveying necessary in the prosecution of such public work, prepare all plans and specifications, superintend their execution as far as their general scope is concerned, and certify as to the progress or completion of all such public works, improvement, change or repair;

Plans and specifications

Fourth—To take special charge of the system of underground street monument and bench marks, reset them without delay, if by reason of street improvement, sewer work or any other cause they should be disturbed, or permanently covered with concrete, bitumen, or otherwise; and to extend the system of underground street monuments as fast as the state of his work will permit so as to cover all streets within the city limits;

Underground street monuments.

Fifth—To keep all notes, books and maps in his office thoroughly indexed and systematically arranged in such a manner that his work may be picked up at any time by any competent engineer;

Notes, books, and maps.

Sixth—To perform such other engineering duties as may be required of him by the mayor and common council.

Other duties.

SEC. 81. The city engineer may appoint such deputies and assistants, not exceeding the number that may be fixed by the mayor and common council, as the duties of his office may require. The deputies and assistants so appointed shall receive such compensation as may be fixed by the mayor and common council. And they, or any of them, may be removed at pleasure by the city engineer. All maps, plats, field notes, records and other data made by the city engineer shall be the exclusive property of the city, and on going out of office he shall turn the same over to his successor or to the mayor. The city engineer shall receive such compensation for his services as may be determined by ordinance or resolution.

Deputies and assistants.

Compensation and removal.

Maps, etc., property of city.

Compensation of city engineer.

### *Superintendent of Streets.*

SEC. 85. The mayor shall appoint, subject to the confirmation of the common council, a superintendent of streets. He shall perform the duties prescribed by this charter and such other duties as are or may be prescribed by ordinance, law, or the mayor and common council.

Superintendent of streets.

Duties of.

The superintendent of streets shall have authority:

First—To have the general management and supervision of all public streets under the regulations and directions of the mayor and common council;

Supervision of streets.

Second—To grant permits, under such regulations as the mayor and common council may adopt, for the opening up of any portion of the public streets; for the temporary use of any part of any public street in front of a new building to be erected, or of an old building to be repaired; for the moving of houses; or for any other purpose other than the public use of any street;

Granting of permits.

Removal  
of obstruc-  
tions.

Third—To move, under the direction of the mayor and common council, all obstructions in the public streets;

Repair of  
streets, etc.

Fourth—To superintend all necessary repairs of public streets, not let by contract but ordered done by the mayor and common council, and to make and superintend such other repairs of streets, sewers, drains or river banks and channels as are in their nature an immediate and pressing necessity and cannot be delayed without great inconvenience or damage to the public, and come within the emergency cost limit prescribed by this charter;

Repair of  
bridges,  
etc.

Fifth—To repair all bridges, conduits and street crossings, and to perform such other services relating to public works as may be made his duty by law or ordinance;

Corpora-  
tion yard.

Sixth—To have control of the "Corporation Store Yard."

Other  
powers.

SEC. 86. The street superintendent shall have the powers of a police officer.

#### ARTICLE V.

##### JUDICIAL DEPARTMENT.

Police  
court.

SEC. 95. The judicial power of the city shall be vested in a police court, consisting of one police judge. He shall be a qualified elector of said city. Any vacancy in his office shall be filled by the mayor with the consent of the common council.

Vacancy.  
Powers.

SEC. 96. The police judge shall have the power of examining magistrates, and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

Jurisdic-  
tion in cer-  
tain cases.

SEC. 97. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the state.

Jurisdic-  
tion con-  
current  
with  
justice's  
court.

SEC. 98. The police court shall have jurisdiction concurrently with the justices' court of all actions and proceedings, civil and criminal, arising within the corporate limits of the city and which might be tried in said justices' courts.

Proceed-  
ings in  
certain  
actions.

SEC. 99. Proceedings in the police court in criminal actions for offenses not triable in such court must be had in conformity with the provisions of Part II, Title III, Chapter VII of the Penal Code of this state; criminal actions triable in such courts shall be in conformity with the provisions of Part II, Title XI, Chapter I of the Penal Code of this state; proceedings in civil actions shall be in conformity with the provisions of Part II, Title XII of the Code of Civil Procedure.

Fines and  
penalties.

SEC. 100. All fines, penalties and forfeitures collected by said police court shall be the property of the city, and shall be immediately deposited in the city treasury for the use of the said city.

SEC. 101. The city shall furnish for said court a suitable court room and office, and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

Court room, office, etc.

SEC. 102. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of the County of San Bernardino, at the request of said police judge, may preside in his place as judge of said police court, with all the powers, authority and jurisdiction of the duly qualified judge thereof.

Disability of judge.

## ARTICLE VI.

### HEALTH DEPARTMENT.

SEC. 110. On or before the fourth Monday of April, 1905, the mayor shall appoint, subject to the confirmation of the common council, four members of the board of health, two of whom shall be practicing physicians in good standing of not less than three years residence in the city prior to their appointment. The fifth member shall be the present marshal of the city during the incumbency of his office, and thereafter the chief of police.

Board of health.

Members of.

SEC. 111. The board of health shall serve without compensation.

Compensation.

SEC. 112. Regular meetings of the board of health shall be held at least once a month. Special meetings may be held at the call of the mayor, president of the board, or three members thereof. All meetings shall be public. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Meetings.

Quorum.

SEC. 113. The persons appointed members of the board of health shall meet within two weeks after their appointment and elect one of their number president who shall hold office at the will of the board. They shall appoint a competent person to be health officer who shall serve as secretary of the board, and shall have the powers of a police officer in matters pertaining to his office. They shall have power, in case of an epidemic of contagious diseases, to create a pest house, and appoint a competent person, or persons to take charge of the same. They shall have power to employ necessary help to carry into effect health regulations.

President.

Health officer.

Pest house.

SEC. 114. The board of health shall exercise a general supervision over the health of the city, with full power to use all measures necessary to promote the cleanliness and sanitary conditions thereof; to prevent the introduction into the city of malignant, or infectious diseases; to remove, or otherwise dispose of any person, or animal attacked by such disease; and to adopt in reference to such persons or animals, any restrictions, regulations, or measures deemed advisable. Said board shall adopt and enforce such forms and regulations

Sanitary conditions.

Statistics.

as in their judgment will secure reliable, vital and mortuary statistics, and shall have the supervision of all persons engaged, or appointed to carry out any of the powers conferred on said board.

Mayor and  
common  
council,  
duty of.

SEC. 115. It shall be the duty of the mayor and common council to pass such ordinances as may be necessary to enforce the rules and regulations of the board of health.

## ARTICLE VII.

### THE INITIATIVE.

SEC. 120. Any proposed ordinance may be submitted to the common council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and such other identification as may be required by the registration law. One of the signers of each such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register ascertain whether, or not, said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

The  
initiative.

Signatures  
to petition.

City clerk  
to examine  
petition.

Amended  
petition.

Clerk to  
examine.

Petition  
signed by  
electors.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special, or general municipal election, then the council shall either:—

Council to  
pass  
ordinance.

(a) Pass such ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to the referendum vote), and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final



adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people, or,

Special election.

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

Council to call special election.

The ballots used when voting upon said proposed ordinance, shall contain the words "For the Ordinance," (stating the general nature of the proposed ordinance) and "Against the Ordinance," (stating the general nature of the proposed ordinance.) If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Form of ballot.

Valid ordinance.

Repeal of ordinance.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided* that there shall not be held under this section of the charter more than one special election in any period of twelve months.

Number of proposed ordinances.

THE REFERENDUM.

SEC. 121. No ordinance passed by the common council (except when otherwise required by the general laws of the state, or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two thirds vote of the council, but no grant of any franchise shall be construed to be an urgency matter, but all franchises shall be subject to the referendary vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least thirty per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance proposed to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of

The referendum.

Ordinance to go into effect, time of.

Protests.

Reconsideration.

Ordinance to be submitted to electors.

Petition to be certified.

this article (The Initiative) and shall be examined and certified by the clerk in all respects as therein provided.

#### THE RECALL.

SEC. 122. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by qualified electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk, *provided* that the said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and such other identification as may be required by the registration law. One of the signers of each such paper shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days after the date of filing such petition the city clerk shall examine, and from the great register ascertain, whether or not, said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days, nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name

Removal from office, procedure.

Signatures to petition.

Clerk to examine petition.

Amended petition.

Clerk to examine.

Petition submitted to council.

Publication of notice and election.

on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

Removal.

Failure to qualify.

If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

Special election.

## ARTICLE VIII.

## REVENUE AND FINANCE.

SEC. 130. On or before the last Monday in July in each year the city clerk shall transmit to the mayor and common council, accompanied with the estimates and reports of each department, an estimate of the probable financial necessities of the city government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. Such estimate shall also show what amount of income and revenue will probably be collected from fines, licenses and other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

Revenue and finance.

Reports and estimates.

SEC. 131. The mayor and common council on or before the first Monday of January, 1907, and annually thereafter while any valid law exists for the assessment and collection of city taxes by officers of the County of San Bernardino, shall pass an ordinance electing to avail the City of San Bernardino of the provisions of an act entitled: "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March 27, 1895, and shall cause a certified copy of such ordinance to be filed with the auditor of said County of San Bernardino. If said act shall be amended, or some other law be substituted in its stead providing for the assessment and

Ordinance to be passed.

Basis of ordinance.

Amended act.

collection of city taxes by county officers, the mayor and common council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers. Such ordinances shall take effect immediately after their passage and shall not be subject to "The Referendum" as hereinbefore provided.

City clerk and chief of police ex-officio officers.

SEC. 132. After the time of noon on the first Monday of March, 1907, if for any cause there shall not be in force any ordinance availing the city of the privilege of having its taxes assessed and collected by the officers of the county, and during the time that there shall be no such ordinance or provision in force, the city clerk shall be ex-officio assessor, and the chief of police shall be ex-officio tax collector; they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed and collected by the county officers, the offices of city assessor and city tax collector shall not exist. The mayor and common council shall have power, by ordinance, to provide for the compensation of the city clerk while acting as ex-officio assessor, and of the chief of police while acting as ex-officio tax collector for such extra services. The taxes so levied and collected shall be apportioned by the treasurer to the several specific funds.

Duties.

Compensation.

Taxes apportioned.

Municipal improvements.

Cost of.

Bonds.

Indebtedness limited.

Same.

Verified claims, etc.

SEC. 133. Whenever the mayor and common council shall by ordinance determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the mayor and common council may issue bonds of said city in evidence of said indebtedness; *provided* that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed three hundred and fifty thousand dollars.

SEC. 134. The mayor and common council shall not create, audit, or allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes.

SEC. 135. Every claim and demand against the city, except bonds, coupons for interest, claims payable from the school fund, or from funds not controlled by the mayor and common council, shall be verified and filed with the city clerk at least three days before the same shall be allowed or paid, and shall specify in detail the goods or materials furnished, in quantity and quality, the service performed, or other basis

of the claim, and by what authority the goods or materials were furnished or the service performed, giving date of the same and the amount of the claim.

SEC. 136. After allowance by the common council, the city clerk shall present such claim, or demand to the mayor, who, within five days thereafter, shall endorse thereon, or annex thereto his approval, or disapproval, and return it to the city clerk. The mayor may approve a claim in part, but when a claim is disapproved in whole, or in part, the reasons of the mayor must be given in full. The common council by the affirmative vote of four of its members may allow a claim or such portion of a claim, as the mayor has disapproved, but not otherwise.

Mayor to approve or disapprove claims.

Grounds specified.

SEC. 137. Upon the allowance of any such claim a warrant shall be drawn on the city treasurer in favor of the person to whom the allowance was made, specifying for what the warrant is drawn, the fund out of which it is to be paid, and that it can be paid only from the money actually collected and in the fund. The warrant shall be signed by the mayor and countersigned by the city clerk.

Claims and warrants.

SEC. 138. Every claim against funds in the city treasury which may have been incurred, or authorized by the board of water commissioners, the board of education, or the board of trustees of the public library, shall be verified and presented to the board incurring or authorizing the indebtedness, who shall approve or disapprove the same. It shall require at least a majority of all the members of any board or commission voting in the affirmative to approve any claim. Each of such claims when so approved shall be paid by a warrant on the city treasury payable out of the proper fund for payment thereof and signed by the president and secretary of the board which shall have approved the same, or in case of the absence of such president, such warrants may be signed by the president pro tempore of the board. The form of the warrant shall be as hereinbefore provided.

Claims to be verified.

Majority to approve.

Claims, how paid.

SEC. 139. No claim for commodities furnished, or service performed, shall be valid unless prior to furnishing such commodities, or the rendition of the service, authority for the same had been given by the common council or some department of the city government having authority so to do. No member of the common council, or member of any department, and no city officer shall have power to create an indebtedness against the city, or to furnish the basis of a claim without said authority.

Valid claims.

Authority for.

SEC. 140. No supplies, material or other item of expenditure, for an amount exceeding three hundred dollars, except for personal services, shall be ordered, or purchased by the mayor and common council, or any board, or department of the city, authorized to incur any expenditure, except after first advertising for sealed proposals and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by a certified check in an amount not less than ten per

Advertisements for supplies, etc.

Certified check to accompany proposals.

- Contracts, bonds, sureties. cent of the sum bid, which check must be forfeited to the city upon failure of the person, firm or corporation bidding to enter into the contract awarded. All contracts awarded by the mayor and common council shall be by ordinance, or resolution. A sufficient bond, payable to the city, with two or more sureties, or a surety company bond, shall be required to secure a faithful performance of each contract awarded.
- Revenue apportioned. SEC. 141. The revenue paid into the treasury shall be at once apportioned by the treasurer and kept in separate specific funds as hereinafter provided, and it shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another specific fund, except that money may be transferred from the general fund to any specific fund by resolution of a two-thirds vote of the common council, duly approved by the mayor.
- Interest and sinking funds. SEC. 142. The several interest and sinking funds of the treasury authorized by law at the time this charter takes effect, shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.
- Specific funds. SEC. 143. There shall be opened by the treasurer the following specific funds, to wit: Hubbard water bond fund; Antil bond fund; old water bond fund; water fund; street fund; library fund; sewer fund; park improvement fund; school fund; general fund and such other funds as may be hereafter designated by ordinance or resolution duly passed by the mayor and common council.
- Tax levy for specific funds. SEC. 144. The mayor and common council, at the time of making the annual tax levy, shall levy for each of said specific funds an amount sufficient to meet the necessary expenditures therefrom. Said funds shall consist of moneys so levied and of such other moneys as may be apportioned thereto. All moneys paid or collected for fines, or fees, or licenses, and all moneys not directed to be paid into any other specific fund shall be paid into the treasury to the credit of the general fund.
- Exceptions. SEC. 145. Out of the Hubbard water bond fund shall be paid all Hubbard water bonds and interest coupons thereof as they fall due; out of the Antil bond fund shall be paid all Antil bonds and interest coupons thereof as they fall due; out of the old water bond fund shall be paid the bonds and interest coupons thereof as they fall due.
- Disposition of certain bond funds. SEC. 146. Out of the water fund shall be paid all warrants drawn thereon duly authorized by the board of water commissioners.
- Water fund. SEC. 147. Out of the street fund shall be paid all sums authorized to be paid for repairing and improving streets which shall have been accepted so as to become a charge upon said city; for cleaning streets, crossings and sewers; for street sprinkling, or oiling; for all street work in front of, or assessable upon property owned by said city, or any department
- Street fund.

thereof, or by the government of the United States; for all repairs upon the public streets deemed of urgent necessity, and for all other expenditures on the streets and highways deemed necessary by the mayor and common council and authorized by any provision of this charter.

SEC. 148. Out of the library fund shall be paid all warrants drawn thereon duly authorized by the board of library trustees. Library fund.

SEC. 149. Out of the sewer fund shall be paid all sums authorized to be paid for construction and repair of such sewers, or systems of drainage, as may be ordered by the mayor and common council, and which is not chargeable on private property. Sewer fund.

SEC. 150. Out of the park improvement fund shall be paid all sums authorized to be paid for such materials, supplies, tools, machinery, appliances, labor and service, as well as for seeds, plants, vines, shrubs, trees, animals and museums which the common council may procure for preserving, improving and beautifying the public grounds and parks. Park improvement fund.

SEC. 151. All moneys received for the grammar, or high school, or any other school authorized by law, or school moneys received from any source, shall be paid into the county treasury, and be disbursed under the general school laws of the state. School moneys.

SEC. 152. Out of the general fund shall be paid all claims not provided to be paid out of any other specific fund. General fund.

SEC. 153. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money in the treasury applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration. Other demands.  
How paid.

## ARTICLE IX.

### WATER DEPARTMENT.

SEC. 160. There is hereby created a commission consisting of three members to be known as the board of water commissioners to be appointed by the mayor, subject to the confirmation of the common council, and whose term of office shall be four years; *provided* that the term of one of said commissioners first appointed shall expire on the second Monday of May, 1907, and the term of the other two of said commissioners first appointed, shall expire on the second Monday of May, 1909. No more than two of the members of said board shall be of the same political party, and no person shall be eligible to appointment as a member of said board unless he shall have been a qualified elector of the city for the period of five years next preceding the date of his appointment. Water commissioners.  
Term of office.  
Qualifications.

Oath of office.

SEC. 161. Before entering upon the duties of his office, each member of the board of water commissioners shall make and subscribe before some officer authorized by law to certify oaths, the same oath of office required of other city officers.

President of board.

SEC. 162. The first board of water commissioners appointed hereunder shall, within one week after their confirmation by the common council, and thereafter their successors shall biennially meet and organize by the election of one of their number as president. And said board shall within a reasonable time thereafter, not to exceed thirty days, make an inventory of all the property of the city pertaining to the water department that is on hand and in use, consisting of lands, reservoirs, conduits, rights of way, pipes, pipe lines, hydrants, gates, engines, pumps, tools, wells and private water service connection, and shall estimate the value of all such property to determine the whole amount the city has invested in its water system; and shall enter said inventory, together with such estimates, in a record book to be kept by said commission and shall therein keep a record of all property belonging to the water service of the city, afterwards acquired, together with a record and account of the disposition of any property of said department which has been, or may be, sold, lost, destroyed or worn out.

Inventory of property.

Record of inventory.

Powers.

SEC. 163. The board of water commissioners is hereby authorized and empowered as follows:

Establish and collect water rates.

First—To establish and collect all water rates, collect all rentals from water-bearing lands, and generally regulate, control, manage, renew, repair and extend the entire water system of the city; *provided however*, that no indebtedness shall be incurred by said board unless there shall be sufficient moneys on hand in the water fund of the city at the time the indebtedness is incurred to pay the same.

Employment and compensation of help.

Second—To employ and discharge at will such help as the necessities of the water service may demand, and fix the compensation of any and all employés in said water service. And said employés to be paid out of the water fund. And said board shall have power to require of any employé in the water department an adequate bond for the faithful performance of his duties.

Bond of employés.

Rules governing board.

Third—To make rules and regulations governing the conduct of said board and the members thereof.

Sale and use of water; expenditure of money.

SEC. 164. The board shall have power to control and order the expenditure of all money received from sale or use of water, for the defraying of expenses for maintenance and repairs and operation of the water system, and for any expenses or additions to the same; and for supplying the city with water for any and all purposes; *provided* that all such money shall be deposited in the treasury of the city to the credit of a fund to be known as the water fund, and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or in the absence

Money deposited to credit of water fund.



of the president, by the signatures of two members and the secretary of the board, except that the common council at the time of fixing the general tax levy, may in its discretion by ordinance or resolution, apportion and set apart out of the moneys then in said water fund in excess of two thousand dollars, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon any or all outstanding water works bonds before the time for the next general tax levy; and the city treasurer shall thereupon transfer the moneys so apportioned to the proper bond fund, and shall use the money so apportioned to make the aforesaid payment and for no other purpose; and if there shall be a surplus remaining the same shall forthwith be retransferred into said water fund.

Apportionment of money in water fund.

Transfer of money.

SEC. 165. Said board shall cause to be kept in proper books provided therefor, a complete and accurate account of all the receipts and disbursements on account of said water system, and the same shall be kept open to the inspection of the public at any and all reasonable hours.

Receipts and disbursements of water system.

SEC. 166. Said board first appointed hereunder shall within a reasonable time after their appointment, cause to be made and drafted by a competent engineer a suitable map showing the entire water system of the city; its source of supply, reservoirs, mains, gates, stop-off cocks, size of pipe, hydrants and all individual water service connections; said map to be the official map of the water system of the city. And from time to time, as the water service of the city increases, said board shall cause to be made additional maps showing in detail the increased water service of the city.

Map of water system and service.

SEC. 167. Not less than thirty days, nor more than forty days, prior to the fixing of the general tax levy by the common council, and at any other time when required by the common council, said board shall make and file with the clerk of said common council, a report, showing a full detailed statement of the financial condition of the water department; together with an estimate of the needs and requirements of said department for the ensuing year and the costs thereof. And whenever required by the common council said board shall make and file with the clerk of said common council, a full and complete detailed statement of all property of whatsoever nature or kind belonging to said water department.

Financial condition of water department, etc.

SEC. 168. The city clerk shall be *ex-officio* secretary of said board, and shall keep a record of the proceedings thereof; and shall, whenever required so to do, certify such proceedings under his hand, the same to be authenticated by seal, if a seal is adopted and provided by said board for that purpose.

City clerk *ex-officio* secretary.

SEC. 169. The board shall hold regular stated meetings at the city hall at least twice in each month, and as often as the necessities of the water department require.

Time and meetings of board.

SEC. 170. The members of said board shall each receive a salary as compensation for his services, payable monthly out

Compensation of members.

of the water fund of the city, as follows: The president, \$300 a year, and each of the other members \$150 a year.

Ordinance to enforce rules.

SEC. 171. It shall be the duty of the mayor and common council to pass such ordinances as may be necessary to enforce the rules and regulations of said board of water commissioners.

ARTICLE X.

POLICE AND FIRE DEPARTMENTS.

Powers of mayor and common council.

SEC. 180. The police and fire departments shall be under the control and management of the mayor and common council who shall have power:

Salaries, qualifications, etc.

First—To fix and prescribe the salaries, qualifications, duties, rank, badges of office and uniforms of the officers, members and employés of said departments; to prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for the violation thereof;

Complaints, misconduct, etc.

Second—To hear and summarily determine all complaints of misconduct, inefficiency or violation of rules or other charges against any officer, member or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance and discipline and efficiency of such departments. In all investigations, or trials conducted by them, they shall have power to issue subpoenas for the attendance of witnesses, and the production of papers and documents before them, which subpoenas shall be signed by the mayor, or other presiding officer of the council, and served as required by law in case of subpoenas from the superior court, and the certificate of service of a subpoena by a policeman shall be proof thereof; and on failure, or refusal to attend as required by such subpoenas, the person, or persons, so offending shall be subject to the same penalties and punishment by said council as are prescribed by law for like offenses in the superior courts. The mayor, or any member of the council, may administer oaths, or affirmations, in the conduct of such investigation;

Investigations, trials, subpoenas, papers

Failure to obey service, and punishment.

Fire alarm and police telegraph.

Third—To maintain a fire alarm and police telegraph or telephone, and manage, or control the same, and to appoint the superintendent thereof in like manner as other employés of the police and fire departments.

Police department.

SEC. 181. The police department shall consist of a chief of police, and such officers and other policemen as the mayor and common council may determine; but the police force, other than the chief of police, and special policemen appointed for a limited time for a special purpose, shall not exceed one police officer for each one thousand and five hundred inhabitants of the city.

Chief of police.

SEC. 182. On or before the third Monday of April, 1907, the mayor shall appoint, subject to the confirmation of the common council, some competent person who shall be known as the chief of police of the City of San Bernardino. The chief of police, for the suppression of any riot, public tumult,

Powers and duties of.

disturbance of the public peace, or any organized resistance against the laws of public authorities in the lawful execution of their functions, shall have the powers that are now, or may hereafter be conferred upon sheriffs by the laws of this state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city, and every citizen shall also render aid when required for the arrest of offenders and maintenance of public order. He shall execute and return all process issued and directed to him by any legal authority; and shall enforce all ordinances of the city, and arrest all persons guilty of a violation of the same. He shall prosecute before the competent tribunal all breaches, or violations of city ordinances. He shall also have charge of the city prison and prisoners confined therein, and all those who are sentenced to labor upon the streets, or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council. The chief of police shall be ex-officio a member of the board of health, and ex-officio license tax collector, and shall collect all license taxes.

SEC. 183. The fire department shall consist of a chief engineer and as many assistants, drivers, hosemen and other employes as the mayor and council may determine.

Fire department, officers of.

SEC. 184. Said mayor and common council shall supervise and possess power and authority over all the funds, moneys and appropriations for the use of the police and fire departments, also the organization, government and discipline of said departments, and shall have control of all the property and equipments belonging to the same.

Supervision of mayor and council over funds, etc.

SEC. 185. Said mayor and common council shall have power to make all necessary rules and regulations to carry into execution and effect the foregoing powers contained in this article, and in general to manage and control said departments.

Rules and regulations.

## ARTICLE XI.

### SCHOOL DEPARTMENT.

SEC. 190. The school department shall comprise all the public schools of the City of San Bernardino school district as the boundaries now exist, including all that territory now in such school district lying outside of the boundaries of the city, and such outside territory shall be deemed a part of said city for the purpose of holding the general municipal election, and shall be an election precinct by itself, and its qualified electors shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department, and the annual levying and collecting of the property tax for the school fund. The school department

Public schools.

shall include primary and grammar schools and high schools, and may, at the discretion of the city board of education, include evening schools, kindergartens and technical or industrial schools. *Provided*, that no school moneys shall be used for kindergartens, or technical schools when such use will prevent the board from maintaining free primary, grammar and high schools for nine months, and the necessary evening schools for four months in each year.

**School moneys.**      **Board of education.**      **Term of office.**      **Eligibility.**      **Superintendent of schools.**      **Qualifications.**      **Meetings.**      **Regular and special meetings.**      **Sessions to be public.**      **Powers and duties of board.**      **Employment and compensation of teachers, etc.**

**SEC. 191.** The government of the school department is hereby vested in a city board of education consisting of five members, to be elected at large, who shall serve without compensation. The term of office of a member of the board of education shall be four years. Three members of said board shall be elected at the general municipal election in the year 1905, and every four years thereafter, and two members at the general municipal election in the year 1907, and every four years thereafter.

**SEC. 192.** No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age, and who has not been a resident of the school district for five years next preceding his election.

**SEC. 193.** The board of education shall elect a city superintendent of schools who shall be ex-officio secretary of the board, and he shall be a practical educator who has had at least five years' experience as a teacher in public schools in addition to the general qualifications for the employment of teachers.

**SEC. 194.** The board of education shall enter upon the discharge of their duties on the second Monday in May after their election, and the board shall meet upon said date and organize by electing one of their number president and biennially thereafter. They shall hold regular meetings at least once each month at such place and time as may be designated by its rules. Special meetings may be called by the president, or by any three members. No business shall be transacted at such special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of three members shall be necessary to pass an order. The sessions of the board shall be public and its minutes open to public inspection. The board may determine the rules of its proceedings and the ayes and noes shall be taken and recorded when demanded, and they shall be taken and recorded on all questions involving elections, or appointments, or the expenditure of money.

**SEC. 195.** The powers and duties of the board of education are as follows:

First—To establish and maintain public schools, and to change, consolidate, or discontinue the same;

Second—To manage and control the school property;

Third—To employ, pay and dismiss teachers, janitors, school census marshals and such persons as may be necessary to carry into effect the powers and duties of the board; to fix, alter, allow and order paid their salaries or compensation;

and to withhold, for good and sufficient cause, the whole, or any part, of the salary, or wages of any person, or persons employed as aforesaid; *provided* that no election of a teacher, or other person employed by the board shall be construed as a contract, either as to the duration of time or amount of wages of such person;

Fourth—To make, establish and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education;

Enforcement of rules.

Fifth—To establish and regulate the grade of schools and determine the course of study, the mode of instruction and what text books, other than those published by the state, shall be used in said schools;

Grade of schools and course of study.

Sixth—To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department;

Supplies.

Seventh—To build, alter, repair, rent and provide school houses, and to furnish the same with proper school furniture, apparatus and appliances, and to insure any and all school property;

Repair of school property.

Eighth—To take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the city;

Care of real and personal property.

Ninth—To grade, fence and improve all school lots;

Grade lots.

Tenth—To sue, or defend suits when necessary in administering the affairs of the school department;

Suits.

Eleventh—To determine annually the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the mayor and common council. This report shall specify the proper items of the amount of money required, in addition to the state and county school moneys, to maintain grammar and primary schools; the amount required for the high school and other city schools; and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones.

School tax.

Report of money required.

The mayor and common council are hereby authorized and directed to levy and collect as school tax an amount which, after making proper allowance for delinquencies, will produce a sum that, taken with the estimated amount to be received from the state and county, will make the amount sufficient to maintain the schools; *providing, however*, that such levy shall not exceed twenty-five cents on the hundred dollars exclusive of the levy for high school purposes;

Amount of school tax.

Twelfth—To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and in kindergartens to prohibit the attendance of children under four years of age;

Age of children.

Non-resident children. Thirteenth—In their discretion to admit non-resident children to any of the departments of the school upon the payment, at such time as the board may direct, of tuition fees to be fixed by the board; *provided* that the tuition fee required and collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted;

Tuition fee.

Trustees, and powers of.

Fourteenth—The board of education shall be the trustees of all school property both real and personal, and shall have power to purchase such land as may be required for school buildings and school purposes, and may sell or otherwise dispose of such property as may not be required for the use of the schools; *provided, however*, that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election, and the approval thereof is given by a majority of the electors voting on the proposition; *and provided further*, that the sale of real estate shall be advertised by posting notices thereof thirty days prior to such sale in a conspicuous place at the postoffice building of the City of San Bernardino, and upon the property to be sold. Such sale shall be made to the highest bidder at public auction. The board of education may decline to accept such highest bid, provided in their judgment the same is less than the real value of such property;

Sale and advertisement of real estate.

Certain books excluded.

Fifteenth—To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character;

Books furnished.

Sixteenth—To furnish books and stationery for children of parents unable to furnish them; and all books so furnished shall belong to the city and shall be kept in the libraries of the school when not in use;

Examinations.

Seventeenth—The board of education may provide for special examinations for positions in high schools, kindergartens or technical schools, and issue upon such examinations special certificates;

School funds.

Eighteenth—To use and apply the school funds of the city for the purposes herein named and for no other purposes whatever. And, generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools in the city.

Statement of superintendent.

SEC. 196. The superintendent of schools shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank-books, books for indigent children, apparatus and such other school appliances as may be necessary for the use of the city schools and the board for the year following.

Sealed bids.

SEC. 197. The board of education shall upon the receipt of the statement from the superintendent, as in the preceding section provided, call for sealed bids for furnishing the articles

in said statement specified. This they may do by advertising in some daily paper published in the city, or by sending notice that bids will be received as stated to the several San Bernardino dealers in the lines of the articles wanted. These bids shall be publicly opened in the office of the city superintendent, and the contracts awarded to the lowest and best bidder, and the board shall have power to reject any and all bids.

Publica-  
tion and  
notice.

Contracts,  
award of.

SEC. 198. No teacher shall be elected, or appointed to a position in the school department, except in technical, or industrial schools that may be established, or as special teacher of some branch, who does not hold a California primary, grammar grade or high school certificate, in full force, and who has not completed a course of study in an accredited normal school, university or college; *provided*, that this section shall not be construed as depriving any teacher of his position who is employed as a teacher in the schools of this city at the time of the adoption of this charter.

Teachers,  
qualifica-  
tions of.

Exception.

SEC. 199. The city superintendent of schools and each member of the board of education shall have power to administer oaths and affirmations in all matters connected with the department. And the board shall have power to compel the attendance of witnesses in all matters of examination, or investigation before such board. In case of a vacancy in the board of education the remaining members shall fill any vacancy until the next general municipal election when a member or members shall be elected to fill the unexpired term or terms.

Oaths,  
power to  
admin-  
ister.

Witnesses.

Vacancy  
in board.

SEC. 200. All claims payable out of the school fund shall be filed with the secretary of the board, and before payment shall be approved by a majority of all the members elected to said board upon a call of ayes and noes which shall be recorded.

Claims,  
filed and  
approved.

ARTICLE XII.

FREE PUBLIC LIBRARY.

SEC. 205. The free public library shall be under the management of a board of five trustees who shall be appointed by the mayor subject to the approval of the common council; *provided*, that the first board of trustees under this charter shall take office on the second Monday of May, 1905, and shall at their first meeting so classify themselves by lot that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years; otherwise their term of office shall be for four years. On the second Monday in May succeeding every general municipal election, the board shall organize by choosing one of their number president. They shall also elect some suitable person as secretary who shall act and hold office at the pleasure of the board.

Free public  
library.

Trustees,  
terms of.

President.

Secretary.

SEC. 206. The position of trustees shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least five years prior to their appointment.

No com-  
pensation.

Qualifica-  
tions.

Library tax.	SEC. 207. The mayor and common council shall at the request of the board of trustees, in making the annual tax levy, and as a part thereof, levy a rate which shall produce a minimum amount of at least two thousand dollars for the purpose of maintaining said library and for purchasing books, journals and periodicals.
Donations, bequests.	SEC. 208. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions, or terms of any such donation, or bequest, said board shall provide for the safety and preservation of the same, and the application thereof to the use of said library in accordance with the terms and conditions of such donation or bequest.
Title to real and personal property.	SEC. 209. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation or bequest, or otherwise, for the purpose, or use of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for and defended by action at law, or otherwise.
Meetings of board.	SEC. 210. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants as may be necessary.
Librarian.	The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings. The secretary must serve without compensation.
Secretary, no compensation.	SEC. 211. The board shall have power:
Powers of board.	First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto;
Make rules, etc.	Second—To administer any trust declared, or created for such library and reading rooms;
Administer trusts.	Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants;
Prescribe duties of officers.	Fourth—To purchase necessary books, journals, publications and other personal property;
Purchase of books.	Fifth—To fix salaries of the librarian and assistants, and other employés; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading rooms;
Salaries, etc.	Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe;
Loaning of books.	Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library;
Memorial tablets.	Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading rooms.
Other powers.	



SEC. 212. Said board on or before the third Monday in July of each year, shall make a report to the mayor and common council giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing; the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest; and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employés and the salaries paid to each.

Reports,  
contents  
of.

Financial  
report.

## ARTICLE XIII.

## MISCELLANEOUS.

SEC. 220. The fiscal year of the City of San Bernardino shall begin on the first day of July and end on the last day of June of each year.

Fiscal  
year.

SEC. 221. The word "city" wherever it occurs in this charter, unless it expressly appears otherwise, means the City of San Bernardino.

"City"  
defined.

SEC. 222. Whenever oath of office is mentioned in this charter, it means the oath of office or affirmation in form as prescribed by the constitution of this state.

Oath of  
office.

SEC. 223. All laws, ordinances and resolutions relating to the City of San Bernardino, now in force and not inconsistent with this charter, shall be and remain in force after this charter takes effect until repealed or changed by the proper authority; and all actions and proceedings in any court wherein said city is a party, when this charter takes effect, shall continue thereafter with said city as a party until regularly disposed of.

Ordinances in  
force.

Actions  
and pro-  
ceedings.

SEC. 224. In all matters pertaining to municipal affairs, concerning which provision is not made in this charter, the general laws of the state, in force at the time, shall be in force in this city, so far as the same may be applicable to the class of cities to which this city may belong.

General  
laws.

SEC. 225. No person holding a salaried office of this city, whether by election or appointment, shall hold any other office of honor, trust or emolument under the government of the United States, or of this state, except the office of notary public, court commissioner, or an office in the national guard, and any person holding any salaried office of this city, who, during his term of such office, shall accept or hold any other office as aforesaid, except that of notary public, court commissioner, or in the national guard, shall be deemed thereby to have vacated the office held by him under this city government, and the same shall immediately become vacant.

Officers,  
restrictions on.

Vacancy.

SEC. 226. All officers, boards and commissioners shall each, on going out of office, turn over and deliver to their respective successors in office, all books, papers, documents, records, archives and all other property or things pertaining

Property,  
delivery of.

to their respective offices, boards or departments, in their possession or under their charge or control.

Office  
hours.

SEC. 227. The common council shall provide by ordinance the hours that the several offices of the city shall be kept open for the transaction of business.

Contracts:  
officers  
interested.

SEC. 228. Officers of the city must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members; and no officer shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate, employé, or other person under his charge or direction, or from any candidate or applicant for any position as employé and subordinate to or under him; and any claim or compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void and if audited and allowed, shall not be paid by the treasurer.

Gifts, ac-  
cepting of.

Void  
claims.

Removals,  
and pun-  
ishment.

Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be a misdemeanor and punished as such.

Deposit of  
money.

SEC. 229. It shall be the duty of every city officer, upon receiving into his hands money belonging to the municipality, to forthwith deposit the same with the city treasurer, except where otherwise provided by this charter.

Term of  
office.

SEC. 230. Every elective or appointive officer of the city shall hold office during the term prescribed by this charter, and until his successor is elected or appointed and qualified; and every appointive officer whose term is not fixed, shall hold office during the pleasure of the officer or board appointing him, and when an appointment is made to fill a vacancy in an unexpired term, the person appointed shall, if it be an appointive office, hold for the unexpired term; and if for an elective office, until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by an election.

Salaries.

SEC. 231. All officers, who by the provisions of this charter, shall be continued in office until the second Monday in May, 1907, shall be entitled to continue to draw the salary fixed at the time of their election for their respective offices until the expiration of their terms.

City  
marshal.

SEC. 232. Until the second Monday of May, 1907, it shall be the duty of the present city marshal to continue to perform the duties and obligations required of him by virtue of his office, in conformity with the provisions of an act of the legislature approved March 13, 1883, and entitled: "An act to provide for the organization, incorporation and government of municipal corporations," as set forth in Section 790 thereof.

Printing,  
etc.

SEC. 233. The common council shall at their first regular meeting in January of each year, fix a rate for printing, advertising and job printing.

Subject of  
ordinance.

SEC. 234. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title, and when the subject is not so indicated, the ordinance shall be void as to the

matter not indicated. No ordinance shall be amended by reference only to its title; but when amended, the section or sections thereof amended shall be re-enacted at length as amended.

Amendments.

SEC. 235. Every officer mentioned in this charter, except officers appointed by the board of education, either elected or appointed, must have been a citizen of the United States and a resident of the city for at least one year, or such other time as is prescribed by this charter, next preceding his election or appointment.

Qualification of officers.

SEC. 236. No claim or demand of any kind whatever shall be the basis or ground for an action or proceeding against the city for the collection or on account thereof, unless a verified claim in writing, clearly specifying the item or items constituting such claim or demand shall be filed with the city clerk, or with the board or commission having jurisdiction to allow or reject the same, at least thirty days prior to the commencement of such action or proceeding.

Verified claims basis for action.

SEC. 237. Every claim or demand against the city presented to the board of water commissioners, or to the board of library trustees, shall be verified and filed with the clerk of the board at least three days before the same shall be allowed or paid.

Water commissioners, claims, etc.

SEC. 238. In all cases where advertising is required for sealed proposals under Section 140 of this charter, the mayor and common council, or any board or officer making such advertisement, shall have power to reject any or all bids and re-advertise in their discretion.

Rejected bids; advertising.

SEC. 239. Until the second Monday in May, 1905, in all matters concerning which provision is not made in this charter, the provisions of the act of the legislature approved March 13, 1883, entitled: "An act to provide for the organization, incorporation and government of municipal corporations," and amendments thereto, in so far as they are applicable to cities of the fifth class, shall be and remain in full force and effect in this city.

Governing legislative act.

SEC. 240. Whenever it becomes necessary for the city to take or damage private property for public use, the mayor and common council may direct proceedings to be taken therefor under the provisions of the Code of Civil Procedure of this state to procure the same.

Private property, taken or damaged for public use.

SEC. 241. The mayor and common council shall have power and authority to employ and engage such legal counsel and services and other assistants, as may be necessary and proper for the interest and benefit of the city and the inhabitants thereof.

Legal counsel, employment of.

SEC. 242. The city attorney and city clerk shall each have power to appoint a deputy whose duties and obligations shall be those of his principal, and the police judge shall have power to appoint a deputy whose duties and obligations shall be those of his principal, relating to his duties as treasurer only. Every principal shall be personally responsible for the official

Deputies; power of appointment.

Duties and obligations.

Responsibility of principal.

Payment of deputies, and qualifications.

Publication of claims.

When charter is to take effect.

Freeholders' certificate.

acts of any deputy appointed by him, and he, and his bondsmen, shall be responsible on his official bond for all such acts; *provided* such deputies, when appointed, shall be paid by the officers appointing them; *and providing further*, that the deputy city attorney, if one shall be appointed, shall have the same qualifications as his principal.

SEC. 243. It shall be the duty of each board or officer authorized to allow claims against the city treasury, to have published once a month, all such claims allowed by such board or officer for the preceding month, in a newspaper published in this city.

SEC. 244. This charter shall take effect from and after its approval by the legislature of the State of California.

We, the undersigned, members of the board of fifteen freeholders of the City of San Bernardino, in the State of California, elected at a special election held in said city on the 30th day of July, 1904, to prepare and propose a charter for such city, under and in accordance with Sections 8 and 8½ of Article XI of the constitution of this state, have prepared and we do hereby propose the foregoing as and for a charter for said city.

In witness whereof we hereunto sign our names in duplicate at said City of San Bernardino, this 27th day of October, A. D. 1904.

A. G. KENDALL, President;  
JOHN ANDRESON,  
H. M. BARTON,  
M. L. COOK,  
GEORGE M. COOLEY,  
J. J. HANFORD,  
W. S. HOOPER,  
L. D. HOUGHTON,  
JOS. INGERSOLL,  
JAMES MURRAY,  
W. M. PARKER,  
H. C. ROLFE,  
J. W. CATICK, Secretary.

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, }  
CITY OF SAN BERNARDINO. } ss.

Certificate of the president of board of trustees.

I, C. F. Riley, President of the board of trustees of the City of San Bernardino, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter, together with F. B. Daily and I. R. Brun, who were absent at the time the said charter was signed, and whose names do not appear signed thereto, were, on the 30th day of July, 1904, at a special municipal election held in said City of San Bernardino, on said day, duly elected by the qualified voters of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder for more than five years previous to said elec-

tion; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election, as required by Section eight of Article eleven of the constitution of this state; that such proposed charter was then published in the Daily Times-Index and in the Daily Sun of San Bernardino, for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter as required by said Section eight to-wit: On the sixth day of January, 1905, said charter was submitted at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter.

That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city, and that the returns of said election were duly canvassed by the board of trustees of said City of San Bernardino on the ninth day of January, 1905, and the result thereof declared as above set forth and that in all matters and things pertaining to said proposed charter the provisions of said section of the constitution and of the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

In witness whereof I have hereunto set my hand and affixed the corporate seal of said city this 10th day of January, 1905.

C. F. RILEY,  
President of the Board of Trustees  
of the City of San Bernardino.

Attest:  
[SEAL]

HARRY ALLISON,  
City Clerk.

Now, therefore, be it

*Resolved, by the Assembly of the State of California, the Senate thereof concurring* (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of San Bernardino as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of San Bernardino, as aforesaid.

Resolution  
relative to  
joint state-  
hood of  
Arizona  
and New  
Mexico.

## CHAPTER XVI.

*Assembly Joint Resolution No. 6, relative to statehood of Arizona and New Mexico.*

[Adopted February 8, 1905.]

WHEREAS, The question of joint admission to statehood of the Territories of Arizona and New Mexico is a question now pending before Congress; and

Resolution  
relative to  
joint state-  
hood of  
Arizona  
and New  
Mexico.

WHEREAS, The peoples of those respective territories should

be allowed to express their desires upon such joint statehood in each territory separately; therefore,

*Resolved by the Assembly, the Senate concurring,* That we request our senators and representatives in congress to use their influence to have such question submitted to the peoples of the respective territories separately, and in such manner that if a majority of the people of either territory object to such joint statehood, that the same be not imposed upon them; and further,

*Resolved,* That a copy of these resolutions be immediately forwarded by telegraph to each of our senators and representatives in congress, and one to the President of the United States.

## CHAPTER XVII.

### *Assembly Concurrent Resolution No. 14, relative to Lincoln memorial.*

[Adopted February 16, 1905.]

Resolution relative to Lincoln memorial exercises.

*Resolved by the Assembly, the Senate concurring,* That the hour between eleven and twelve o'clock A. M. Saturday, February 11th, 1905, be devoted to exercises in memory of Abraham Lincoln, to the end that his life may be honored and that the legislature may derive the advantage and pleasure of recalling some of the events of a great period of American history, and be it further

*Resolved,* That a joint senate and assembly committee, consisting of three assemblymen be appointed by the speaker of the assembly and two senators be appointed by the president of the senate have charge of such exercises.

## CHAPTER XVIII.

### *Assembly Concurrent Resolution No. 9—Approving six certain amendments to the charter of Los Angeles in the County of Los Angeles, State of California voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.*

[Adopted February 16, 1905.]

Amendments to charter of the City of Los Angeles.  
Preamble.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholder's charter, adopted under and by virtue of Section 8 of Article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the quali-

fied electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

Preamble.

WHEREAS, The City Council of said City of Los Angeles, did by Ordinance No. 9949 (New Series), adopted by said council on the 3rd day of October, 1904, and approved by the Mayor of said city on the 3rd day of October, 1904, and pursuant to Section 8 of Article eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a general municipal election to be held in said city on the 5th day of December, 1904, which said amendments were and are in the words and figures as follows, to wit:

That there be added to the charter an article to be known as Article XIV, containing sections numbered 143 to 149, inclusive, and to read as follows:

#### ARTICLE XIV.

##### DEPARTMENT OF PUBLIC WORKS.

Section 143. There is hereby created a department of said city, to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

Department of public works.

(a) Said commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the Council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of \$3600, payable in equal monthly installments, and shall give a bond to the city in the sum of \$10,000, conditioned for the faithful discharge of the duties of his office.

Commissioners, appointment of.

Salary.

Bond.

(b) The term of office of members of the board of public works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the Mayor shall fill the same by appointment for the unexpired term.

Term of office.

Vacancy.

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

President.

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners

Office hours.

shall devote all their time during official business hours to the duties of their office.

Secretary.	(e) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of \$1800, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.
Duties of.	
Members of board and secretary, municipal officers.	(f) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.
Inspector of public works.	(g) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe. The person holding the office of Street Superintendent at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of inspector of public works for a term ending on the first Monday in January, 1907. The person so appointed shall during such term receive a salary at the rate of \$3000 per annum, payable in equal monthly installments.
Salary.	
Successors.	The successors in office of the inspector of public works first appointed as herein provided, shall be appointed from the members of the board of public works and shall serve without extra compensation. On the first Monday in January, 1907, or upon the prior occurrence of a vacancy, in the office of inspector of public works, the board shall appoint one of their number, other than the president, inspector of public works, who shall hold such office for one year and until his successor is appointed, unless his membership on the board sooner expires.
Vacancy.	
Civil engineer.	(h) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive a salary of \$3000 per annum, and shall hold office at the pleasure of the board; <i>provided, however</i> , that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of city engineer provided for herein, for a term ending on the first Monday in January, 1907. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be
Salary.	
Term.	
Duties.	
Powers.	



conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

(i) The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employés as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employés, and may require of any or all of such officers and employés, except laborers, adequate bonds for the faithful performance of their respective duties.

Removals by board of public works.

Bonds.

Section 144. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

Board successor to street superintendent, etc.

Section 145. (a) The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

Powers and duties.

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purpose;

Bids and proposals.

2. The examining, considering, and declaring of such proposals or bids;

Examination of.

3. The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

Award, notice, and rejection.

4. The approval and the fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

Bonds, approval and fixing of.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

Other powers of board.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident

Board's power to assess damages, costs, etc.

to a proposed change of grade of any public street, alley, lane or court.

President of board, powers of, relative to bonds.

(b) The president of the board of public works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of, executing contracts for such work.

Secretary, duties of.

(c) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may be hereafter conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds and accompanying such proposals or bids.

Board of public works, additional duties.

Section 146. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

Streets, etc.

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts, now open or which may hereafter be opened in the City of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same.

Sewers, etc.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

Cleaning and lighting streets, etc.

3. Of the cleaning, sprinkling, maintenance, repair, and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city.

Repair of public works, etc.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city.

Garbage.

5. Of the disposal of garbage, sewage, and street refuse.

Public utilities.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works.

Board to enforce ordinances relating to certain improvements, etc.

Section 147. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein.

Contracts by board.

Section 148. All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment upon property in proportion to frontage

or benefits, shall be let and entered into in behalf of the city by the board of public works in the following manner. Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published once in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance of the work or service or the furnishing of the materials or supplies contemplated. Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Authoriza-  
tion by  
council.

Publi-  
cation  
of notice.

Contents  
of notice.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general

Bid accom-  
panied by  
check  
or bond.

Meeting  
of board:  
award  
of bids.

Rejection  
of bids.

Accepted  
bid.

Delin-  
quencies.

City attorney to approve form of contract. funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

Signing of contract.

Bond of contractor.

Urgent necessity contract.

Approval by mayor.

Signing of documents.

City engineer, duties of.

Make surveys.

Examining public works.

Fees.

Custodian of maps, etc.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids; *provided* that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than \$500 the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

Section 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

That section forty-eight of the charter be amended to read as follows:

Section 48. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

1. Make all surveys, inspections, and estimates required by the council.

2. He shall examine all public works done under contract, and report thereon to the city council.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the city council may direct such work to be done by the city engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the city treasury.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof, and shall turn over the same to his successor.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Maps, etc.,  
property  
of city.

Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as prescribed elsewhere in this charter.

Term.

That a new section be added to the charter, to be known as section fifty *a*, and to read as follows:

Section 50*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the superintendent of buildings and the term of the superintendent of buildings then holding office shall thereupon cease and determine and the powers and duties imposed upon the superintendent of buildings by this charter shall thereafter be exercised and performed by the board of public works.

Superintendent of  
buildings,  
successor  
of.

That a new section be added to the charter to be known as section fifty-two *a*, and to read as follows:

Section 52*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

Street  
superintendent,  
successor  
of.

That section five of the charter be amended to read as follows:

Section 5. All elective officers except those elected at the general municipal election to be held on the first Tuesday in December, 1906, shall hold their offices for a term of two years, commencing on the first Monday in January next succeeding their election.

Terms of  
elective  
officers.

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Tuesday in December, 1906, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected.

Municipal  
elections;  
time of  
holding,  
and  
officials to  
be elected.

A Mayor.

A City Clerk.

A City Attorney.

A City Treasurer.

A City Auditor.

A City Tax and License Collector.

A City Assessor, and seven members of the board of education.

And by the electors of each ward, one member of the city council.

That section one hundred and ninety-six of the charter be amended to read as follows:

Officers to qualify.

Section 196. The officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year succeeding their election and, except in the case of the officers elected at the general municipal election to be held on the first Tuesday in December 1906, shall serve for two years and until their successors have been elected and qualified.

Term.

Same.

The officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for three years and until their successors shall have been elected and qualified.

Vacancy; special election.

In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

Term.

That section one hundred and ninety-seven be amended to read as follows:

Vacancy in city council; special election.

Section 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

That section two hundred and three of said charter be amended to read as follows:

Eligibility.

Section 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

Residence.

Vacancy.

Exception.

That section two hundred and four of the charter be amended to read as follows:

Qualifications of electors.

Section 204. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this State for an elector at a general State election, in force at the time of such election: *provided*, that when any such municipal election is held after the completion of the register for any general State election, all persons who are on the last such register completed and also all persons who have registered since the completion

Registration and transfers.

thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general State elections.

It shall be the duty of the county clerk of the county of Los Angeles, to keep his office open for registration, for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

County clerk to keep register.

That section two hundred and five of the charter be amended to read as follows:

Section 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general State election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general State election. It shall be the duty of the county clerk of the county of Los Angeles, to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Registers, supplements, and contents.

That Article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS.

Section 207. The City of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the city council shall have first caused notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council.

Contracts.

Publication.

*Provided*, that any such contract shall be made in writing, the draft thereof approved by the city council and the same ordered to be, and be signed on behalf of the city by the mayor, or some other person authorized thereto by resolution, *and provided, further*, that the approval, as to form, of such contract by the city attorney, as required by section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee, or agent of the city to bind the city for the payment of a sum of money not exceeding \$500.00 without a contract in writing, and without any previous publication of notice inviting proposals.

Contracts to be in writing.

Approval.

Exception.

That section two hundred and thirty-four of the charter be amended to read as follows:

Civil  
service.Examina-  
tions.Commis-  
sion to  
control.Publica-  
tion and  
notice of  
examina-  
tions.

Exception.

Register of  
examina-  
tions.Register of  
unskilled  
laborers.

Section 234. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

That section two hundred and thirty-five be amended to read as follows:

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe. *Provided*, that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

That section two hundred and thirty-six of the charter be amended to read as follows:

Section 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by their examinations without reference to priority of the date of examination.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupations sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.



That section two hundred and thirty-eight be amended to read as follows:

Section 238. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

Employment by day of unskilled laborers.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

Employment of classified positions.

Sex.

Probation.

Position on register.

Discharge.

Extraordinary exigencies.

That section two hundred and thirty-nine be amended to read as follows:

Section 239. The provisions of this article shall apply to the following departments of the city, to wit:

- The department of the city clerk,
- The department of electricity,
- The fire department,
- The treasurer's department,
- The tax collector's department,
- The police department,

Application of provisions to departments.

The auditor's department,  
 The assessor's department,  
 The health department,  
 The department of building,  
 The department of public works,  
 The waterworks department,  
 The public library,  
 The park department,  
 The city engineer's department,  
 The street department,  
 All departments of public utilities,  
 All other employes of the city,  
*Provided*, that the following shall be exempt therefrom,

to wit:

Excep-  
 tions.

All officers elected by the people,  
 All members of the different boards and commissions,  
 The mayor's clerk,  
 The chief of police and his secretary,  
 The chief deputy of the treasurer,  
 The chief deputy and cashier of the tax collector,  
 The chief deputy of the city engineer,  
 The chief deputy of the auditor,  
 The city superintendent of schools and his deputies and teachers,  
 The assistants and stenographers of the city attorney,  
 The city prosecutor and the assistant city prosecutor,  
 The librarian,  
 The superintendent of parks,  
 The secretary of the park commission,  
 The secretary of the police commission,  
 The superintendent of buildings,  
 The humane officer,  
 The chief engineer of the fire department,  
 The superintendent, water overseer, auditor, and cashier of the waterworks department,  
 All physicians appointed on or by the board of health,  
 All officers of election,  
 The police surgeon.

Sections  
 repealed.

That sections two hundred and forty and two hundred and forty-one be repealed.

That section two hundred and forty-two be amended to read as follows:

Removals,  
 classified  
 service.

Section 242. No officer or employe in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or employe in the police department; by the board of fire commissioners in the case of an officer or employe in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation

Investiga-  
 tions.

shall find that sufficient cause is shown therefor, it shall order that such officer or employé be removed or discharged, such finding and decision shall be final, and except in the case of an officer or employé in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

Findings and decision.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

Suspension.

That a new article be added to the charter, to be known as Article XXIV, to read as follows:

ARTICLE XXIV.

Section 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers, of the County of Los Angeles, at the times and in the manner and to the extent provided for by law. In case by such ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city office shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an office are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance, and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be ex-officio an officer of the City of Los Angeles. All provisions of this charter in conflict herewith or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.

County officers to perform city duties.

City office to cease, when.

Division of duties.

County officer ex-officio city officer.

Section 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification.

Ratification of ordinance.

Repeal.

That subdivision (7) of Section 2 of the charter be amended to read as follows:

Water, gas,  
etc.

(7). To provide for supplying the city and its inhabitants with water and gas, or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat; refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that three-fifths of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

Bonded  
indebted-  
ness.

That Section 2 of the charter be amended by adding a subdivision to be numbered (25) and to read as follows:

Fran-  
chises, etc.

(25). No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by vote of two-thirds ( $\frac{2}{3}$ ) of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three (3) years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however,* that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

Grants,  
etc., prop-  
erty of city.

Specifica-  
tions  
of grants.

Publi-  
cation of  
proposed  
amend-  
ments.

AND WHEREAS, Said proposed amendments were, and each of them was, published for 20 days in a daily newspaper, printed and published in said City, and of general circulation therein, to wit, the Los Angeles Daily Times, said publication ending on the 23rd day of October, 1904; and

Election,  
authority  
for.

WHEREAS, Thereafter the City Council of said city, did, by an ordinance known as Ordinance No. 10177 (New Series) which was duly adopted on the 21st day of November, 1904, order the holding of a general municipal election in said City of Los Angeles on the 5th day of December, 1904, (at least 40 days after the publication of said proposed amendments for 20

days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Times.") and did provide in said Ordinance for the submission of said proposed amendments to the said Charter to the qualified electors of said City for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said City on the 22nd day of November, 1904, and was published for at least 10 days prior to the time appointed for the holding of said election in "The Los Angeles Daily Times," a daily newspaper printed and published in said City; and

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said proposed amendments to said charter; and

Ratification of amendments.

WHEREAS, The City Council of said City of Los Angeles, at a special meeting thereof held within 10 days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said Charter; and

Canvass of returns.

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article Eleven of the Constitution of the State of California;

NOW THEREFORE, BE IT

*Resolved, by the Assembly of the State of California, the Senate concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein). That the said amendments to the said Charter of said City of Los Angeles, hereinbefore set forth as presented, and submitted to and adopted and ratified by the qualified electors of said City, be and the same are hereby approved as a whole for and as amendments to the said charter of said City of Los Angeles.

Resolution of approval by legislature.

We, the undersigned, Owen McAleer, Mayor of the City of Los Angeles, State of California, and H. J. Lelande, City Clerk of said City, do hereby certify as follows, to wit:

Certificate of mayor and clerk.

That the City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholder's charter, adopted under and by virtue of Section 8 of Article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889, (Statutes of 1889, p. 455).

That the City Council of said City of Los Angeles, did by Ordinance No. 9949 (New Series) adopted by said Council on the 3rd day of October, 1904, and approved by the Mayor of said City on the 3rd day of October, 1904, and pursuant to Section 8 of Article eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles certain amendments to the Charter of said City, to be submitted to said qualified electors at a general municipal election to be held in said City on the 5th day of December, 1904, which said amendments were and are in the words and figures as follows, to wit:

That there be added to the charter an article to be known as Article XIV, containing sections numbered 143 to 149, inclusive, and to read as follows:

#### ARTICLE XIV.

##### DEPARTMENT OF PUBLIC WORKS.

Section 143. There is hereby created a department of said city, to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

(a) Said commissioners shall be appointed by the Mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of \$3600, payable in equal monthly installments, and shall give a bond to the city in the sum of \$10,000, conditioned for the faithful discharge of the duties of his office.

(b) The term of office of members of the board of public works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the Mayor shall fill the same by appointment for the unexpired term.

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

(e) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of \$1800, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commis-

Depart-  
ment of  
public  
works.

Commis-  
sioners,  
appoint-  
ment of.

Salary.  
Bond.

Term of  
office.

Vacancy.

President.

Office  
hours

Secretary,  
duties of

sioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(f) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

Members and secretary are municipal officers.

(g) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe. The person holding the office of Street Superintendent at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of inspector of public works for a term ending on the first Monday in January, 1907. The person so appointed shall during such term receive a salary at the rate of \$3000 per annum, payable in equal monthly installments. The successors in office of the inspector of public works first appointed as herein provided, shall be appointed from the members of the board of public works and shall serve without extra compensation. On the first Monday in January, 1907, or upon the prior occurrence of a vacancy, in the office of inspector of public works, the board shall appoint one of their number, other than the president, inspector of public works, who shall hold such office for one year and until his successor is appointed, unless his membership on the board sooner expires.

Inspector of public works.

Salary.

Successors.

Vacancy.

(h) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive a salary of \$3000 per annum, and shall hold office at the pleasure of the board; *provided, however*, that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of city engineer provided for herein, for a term ending on the first Monday in January, 1907. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

Civil engineer.

Salary.

Term.

Duties.

Powers

(i) The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force,

Removals by board of public works.

	appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employés as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employés, and may require of any or all of such officers and employés, except laborers, adequate bonds for the faithful performance of their respective duties.
Bonds.	
Board successor to street superintendent, etc.	Section 144. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.
Powers and duties	
Same	Section 145. (a) The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:
Bids and proposals.	1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purpose;
Examination of.	2. The examining, considering, and declaring of such proposals or bids;
Award, notice and rejection.	3. The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.
Bonds, approval and fixing of.	4. The approval and the fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.
Other powers of board.	The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.
Board's power to assess damages, costs, etc.	The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.
President of board, powers of relative to bonds.	(b) The president of the board of public works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor



relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of, executing contracts for such work.

(c) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may be hereafter conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

Secretary,  
duties of.

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

Section 146. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

Board of  
public  
works,  
additional  
duties.

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts, now open or which may hereafter be opened in the City of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same.

Streets,  
etc.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

Sewers,  
etc.

3. Of the cleaning, sprinkling, maintenance, repair, and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city.

Cleaning  
and light-  
ing streets,  
etc.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city.

Repair of  
public  
works, etc.

5. Of the disposal of garbage, sewage, and street refuse.

Garbage.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works.

Public  
utilities.

Section 147. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein.

Board to  
enforce  
ordinances  
relating to  
certain  
improve-  
ments, etc.

Section 148. All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefits, shall be let and entered into in behalf of the city by the board of public works in the following manner. Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The

Contracts  
by board.

Authoriza-  
tion by  
council.

Publica- tion of notice.	board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published once in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance of the work or service or the furnishing of the materials or supplies contemplated.
Contents of notice.	Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.
Bid accom- panied by check or bond.	Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner.
Meeting of board; award of bids.	On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed,
Rejection of bids.	
Accepted bid.	
Delin- quencies.	
City attor- ney to ap- prove form of contract.	

and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

Signing of contract.

Bond of contractor.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids; *provided* that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than \$500 the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

Urgent necessity contract.

Approval by mayor.

Section 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

Signing of documents.

That section forty-eight of the charter be amended to read as follows:

Section 48. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

City engineer, duties of.

1. Make all surveys, inspections, and estimates required by the council.

Make surveys.

2. He shall examine all public works done under contract, and report thereon to the city council.

Examine public works.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; *provided, however,* that on application of any person owning or interested in real property in said city for a survey or plat of such property, the city council may direct such work to be done by the city engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the city treasury.

Fees.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof, and shall turn over the same to his successor.

Custodian of maps, etc.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term

Maps, etc. Property of city.

of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Term.

Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as prescribed elsewhere in this charter.

That a new section be added to the charter, to be known as section fifty *a*, and to read as follows:

Superintendent of buildings, successor of.

Section 50*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the superintendent of buildings and the term of the superintendent of buildings then holding office shall thereupon cease and determine and the powers and duties imposed upon the superintendent of buildings by this charter shall thereafter be exercised and performed by the board of public works.

That a new section be added to the charter to be known as section fifty-two *a*, and to read as follows:

Street superintendent, successor of.

Section 52*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

That section five of the charter be amended to read as follows:

Terms of elective officers.

Section 5. All elective officers except those elected at the general municipal election to be held on the first Tuesday in December, 1906, shall hold their offices for a term of two years, commencing on the first Monday in January next succeeding their election.

That section one hundred and ninety-five of the charter be amended to read as follows:

Municipal elections; time of holding, and officials

Section 195. General municipal elections shall be held in said city on the first Tuesday in December, 1906, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A Mayor.

A City Clerk.

A City Attorney.

A City Treasurer.

A City Auditor.

A City Tax and License Collector.

A City Assessor, and seven members of the board of education.

And by the electors of each ward, one member of the city council.

That section one hundred and ninety-six of the charter be amended to read as follows:

Section 196. The officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year succeeding their election and, except in the case of the officers elected at the general municipal election to be held on the first Tuesday in December 1906, shall serve for two years and until their successors have been elected and qualified.

Officers' to qualify.

Term.

The officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for three years and until their successors shall have been elected and qualified.

Same.

In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

Vacancy; special election.

Term.

That section one hundred and ninety-seven be amended to read as follows:

Section 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

Vacancy in city council.

Special election.

That section two hundred and three of said charter be amended to read as follows:

Section 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however,* that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

Eligibility.

Residence.

Vacancy.

Exception.

That section two hundred and four of the charter be amended to read as follows:

Section 204. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this State for an elector at a general State election, in force at the time of such election; *provided,* that when any such municipal election is held after the completion of the register for any general State election, all persons who are on the last such register completed and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election.

Qualifications of electors.

Registrations and transfers.

Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general State elections.

County clerk to keep register.

It shall be the duty of the county clerk of the county of Los Angeles, to keep his office open for registration, for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

That section two hundred and five of the charter be amended to read as follows:

Registers, supplements, and contents.

Section 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general State election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general State election. It shall be the duty of the county clerk of the county of Los Angeles, to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

That Article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS.

Contracts.

Section 207. The City of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the city council shall have first caused notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council.

Publication.

Contracts to be in writing.

*Provided*, that any such contract shall be made in writing, the draft thereof approved by the city council and the same ordered to be, and be signed on behalf of the city by the mayor, or some other person authorized thereto by resolution, *and provided, further*, that the approval, as to form, of such contract by the city attorney, as required by section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee, or agent of the city to bind the city for the payment of a sum of money not exceeding \$500.00 without a contract in writing, and without any previous publication of notice inviting proposals.

Approval.

Exception.

That section two hundred and thirty-four of the charter be amended to read as follows:

Civil service.

Section 234. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all

citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Examina-  
tions.Commis-  
sion to  
control.

That section two hundred and thirty-five be amended to read as follows:

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe. *Provided*, that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

Publica-  
tion and  
notice of  
examina-  
tion.

Exception.

That section two hundred and thirty-six of the charter be amended to read as follows:

Section 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by their examinations without reference to priority of the date of examination.

Register of  
examina-  
tions.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupations sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.

Register of  
unskilled  
laborers.

That section two hundred and thirty-eight be amended to read as follows:

- Employment by day of unskilled laborers.** Section 238. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.
- Employment, classified positions.** The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.
- Sex.** That section two hundred and thirty-nine be amended to read as follows:
- Probation.** Section 239. The provisions of this article shall apply to the following departments of the city, to wit:
- Position on register.** The department of the city clerk,  
The department of electricity,  
The fire department,  
The treasurer's department,  
The tax collector's department,  
The police department,  
The auditor's department,  
The assessor's department,
- Discharge.**
- Extraordinary exigencies.**
- Application of provisions to departments.**



The health department,  
 The department of building,  
 The department of public works,  
 The waterworks department,  
 The public library,  
 The park department,  
 The city engineer's department,  
 The street department,  
 All departments of public utilities,  
 All other employés of the city,

*Provided*, that the following shall be exempt therefrom, Exceptions.  
 to wit:

All officers elected by the people,  
 All members of the different boards and commissions,  
 The mayor's clerk,  
 The chief of police and his secretary,  
 The chief deputy of the treasurer,  
 The chief deputy and cashier of the tax collector,  
 The chief deputy of the city engineer,  
 The chief deputy of the auditor,  
 The city superintendent of schools and his deputies and teachers,

The assistants and stenographers of the city attorney,  
 The city prosecutor and the assistant city prosecutor,  
 The librarian,  
 The superintendent of parks,  
 The secretary of the park commission,  
 The secretary of the police commission,  
 The superintendent of buildings,  
 The humane officer,  
 The chief engineer of the fire department,  
 The superintendent, water overseer, auditor, and cashier of the waterworks department,

All physicians appointed on or by the board of health,  
 All officers of election,  
 The police surgeon.

That sections two hundred and forty and two hundred and forty-one be repealed. Sections repealed.

That section two hundred and forty-two be amended to read as follows:

Section 242. No officer or employé in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or employé in the police department; by the board of fire commissioners in the case of an officer or employé in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employé be removed or discharged, such Removals, classified service.

Investigations.

Findings and decision.

finding and decision shall be final, and except in the case of an officer or employé in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

Suspension.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

That a new article be added to the charter, to be known as Article XXIV, to read as follows:

#### ARTICLE XXIV.

County officers to perform city duties

Section 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers, of the County of Los Angeles, at the times and in the manner and to the extent provided for by law. In case by such ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city office shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an office are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance, and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be ex-officio an officer of the City of Los Angeles. All provisions of this charter in conflict herewith or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.

City office to cease, when.

Division of duties

County officer ex-officio city officer.

Ratification of ordinance.

Repeal.

Section 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification.

That subdivision (7) of Section 2 of the charter be amended to read as follows:

Water, gas, etc

(7) To provide for supplying the city and its inhabitants with water and gas, or either, or with other means

of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that three fifths of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

Bonded indebtedness.

That Section 2 of the charter be amended by adding a subdivision to be numbered (25) and to read as follows:

(25) No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by vote of two thirds ( $\frac{2}{3}$ ) of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three (3) years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however,* that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

Franchises, etc.

Grants, etc., property of city.

Specifications of grants.

That said proposed amendments were, and each of them was, published for 20 days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit: The Los Angeles Daily Times, said publication ending on the 23rd day of October, 1904.

Publication of proposed amendments.

That thereafter the City Council of said city, did, by an ordinance known as Ordinance No. 10177 (New Series) which was duly adopted on the 21st day of November, 1904, order the holding of a general municipal election in said City of Los Angeles on the 5th day of December, 1904, (at least 40 days after the publication of said proposed amendments for 20 days in said daily newspaper of general circulation in said

Election, authority for.

City of Los Angeles, to wit, "The Los Angeles Daily Times"), and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said city on the 22nd day of November, 1904, and was published for at least 10 days prior to the time appointed for the holding of said election in "The Los Angeles Daily Times," a daily newspaper printed and published in said city.

Ratification of amendments.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said proposed amendments to said charter.

Canvass of returns.

That the City Council of said City of Los Angeles, at a special meeting thereof held within 10 days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

Certificate of mayor and clerk.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this eleventh day of January, 1905.

OWEN McALEER,  
Mayor.

[SEAL]

H. J. LELANDE,  
City Clerk.

## CHAPTER XIX.

*Assembly Concurrent Resolution No. 13, relative to making arrangements for appropriately celebrating Washington's birthday.*

[Adopted February 20, 1905.]

Resolution relative to Washington's birthday.

*Resolved by the Assembly, the Senate concurring,* That the senate and assembly meet in joint session in the assembly chamber at eight o'clock P. M., February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it further

*Resolved,* That a committee of three members of the assembly be appointed to confer with a like committee from the senate to arrange a program of exercises, said committees to be appointed by the speaker and president of the senate, respectively, and any expense incurred to be paid equally by the assembly and senate out of their contingent funds, said expense not to exceed \$100 in the aggregate.

## CHAPTER XX.

*Assembly Concurrent Resolution No. 18—Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Pasadena at the special municipal election held therein for that purpose on the fourth day of February nineteen hundred and five.*

[Adopted February 20, 1905.]

WHEREAS, The City of Pasadena, in the County of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a Freeholders Charter, adopted under and by virtue of Section Eight, of Article Eleven, of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D., nineteen hundred, and approved by the Legislature of the State of California, on the twenty-ninth day of January nineteen hundred and one (Statutes of 1900-1, page 884), which Charter has never been amended; and

Amendments to the charter of the City of Pasadena.  
Preamble.

WHEREAS, The City Council of the said City of Pasadena did, by Ordinance number five hundred and sixty-five, adopted by said City Council, and approved by the Mayor of said city on the twenty-ninth day of November nineteen hundred and four, and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of the said City of Pasadena, certain amendments to the Charter of said City of Pasadena, to be submitted to the said qualified electors at a Special Municipal Election to be held in said city on the fourth day of February, nineteen hundred and five, said Amendments being ten in number, and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said City of Pasadena, and having a general circulation therein, to-wit: The Pasadena Daily News, said publication beginning on the thirtieth day of November, nineteen hundred and four, and ending on the twenty-third day of December, nineteen hundred and four; and

WHEREAS, The City Council of said city did, by ordinance number five hundred and seventy-two, adopted by said City Council, and approved by the Mayor of said city the third day of January nineteen hundred and five, order the holding of a special municipal election in said City of Pasadena, on the fourth day of February, nineteen hundred and five, said day being at least forty days after the publication of said pro-

Amend-  
ments to  
the charter  
of the  
City of  
Pasadena.  
Preamble.

posed amendments for twenty days in a daily newspaper of general circulation in said City of Pasadena, to-wit: The Pasadena Daily News, and did provide in said ordinance for the submission of said proposed amendments to the qualified electors of said city for their ratification at said election; said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said City of Pasadena, said publications beginning on the third day of January, nineteen hundred and five, and ending on the thirteenth day of January, nineteen hundred and five, and

WHEREAS, At said election a majority of the qualified electors voting thereat voted in favor of the ratification of, and did ratify eight of the proposed amendments to said Charter, and

WHEREAS, The City Council of said City of Pasadena in accordance with Section Ten of Article Nineteen and Section Three of Article Twenty-one of the Charter of said city did meet on the first Monday after the day of election, to-wit: The sixth day of February, nineteen hundred and five, at their usual time and place of meeting and duly canvassed the returns of the said election, and duly found, determined and declared that a majority of the qualified electors of said city voting at such election, had voted for and ratified eight of the said proposed amendments to the Charter of said City of Pasadena, and

WHEREAS, The said eight amendments to said Charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to-wit:

That Section One of Article One of the charter of said city be amended to read as follows:

Bound-  
aries.

SECTION 1. The municipal corporation now existing, known as the City of Pasadena, shall continue to be a body corporate and politic, under the name of the City of Pasadena, and with the following boundaries, to-wit:

Beginning at a stone monument in the west bank of the Arroyo Seco, said monument being fifty-three hundred and four and four-tenths (5304.4) feet north, 89° 51' west from the northwesterly corner of block marked "T" of the subdivision of lands belonging to J. H. Painter and B. F. Ball, as per map recorded in Book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California, said monument being also the northwesterly corner of the City of Pasadena as shown by the city charter as adopted November 20th, 1900; thence running northerly along the easterly boundary lines of Pasadena Park Tract as shown on map of partition of Pasadena Park Tract, as recorded in Book 1, page 36 of Licensed Surveys of Los Angeles County, State of California, and Linda Vista Tract, as recorded in book 29, pages 97 and 98 of Miscellaneous Records of Los Angeles County, State of California, to a point, said point being an intersection of the easterly line of said Linda Vista Tract with the produc-

tion westerly of a line which is two hundred (200) feet north of, and parallel with the north line of Montana street, as shown on map of subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California; thence easterly and parallel with said northerly line of Montana street and distant therefrom two hundred (200) feet north to an intersection with the center line of Woodbury road as shown on map of subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County; thence southeasterly along the center line of said Woodbury road to an intersection with the center line of Lake avenue, as shown on map of Pasadena Highland Tract, as recorded in book 24, page 99 of Miscellaneous Records of Los Angeles County, State of California; thence southerly along the said center line of Lake avenue to an intersection with a line which is two hundred and two (202) feet north of and parallel with the north line of Atchison street, as shown on map of Pasadena Highland Tract, as recorded in book 24, page 99 of Miscellaneous Records of Los Angeles County, State of California; thence east and parallel with the said north line of Atchison street to the northeast corner of lot numbered Twelve (12) of Block Three (3) of said Pasadena Highland Tract; thence south and parallel with the east line of Luverne avenue, as shown on map of said Pasadena Highland Tract to an intersection with the center line of Washington street, as shown on map of said Pasadena Highland Tract; thence westerly along the said center line of Washington street to an intersection with a line which is a production northerly of the easterly boundary line of the City of Pasadena as shown in the city charter as adopted November 20th, 1900; thence southerly along the above described line to a point which is six hundred and sixty (660) feet south of the south line of Mountain street, as shown on the map of the subdivision of lands of J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California, and six hundred and sixty (660) feet easterly from the east line of Lake avenue as originally laid out as a fifty (50) foot street; thence running southerly and parallel with the said east line of Lake avenue to a point in the south line of San Pasqual street, said point being the northeast corner of lot numbered Twelve (12) of Block "L," of the San Pasqual Tract of Lake Vineyard Land and Water Association lands, as shown on map as recorded in book 3, page 315 of Miscellaneous Records of Los Angeles County, State of California; thence running west along the north line of said lot numbered Twelve (12) four hundred and fifty and six-tenths (450.6) feet to a point, said point being one hundred and ninety-three and four-tenths (193.4) feet east from the present southeast corner of Lake avenue and San Pasqual street; thence running southeasterly to a point in the south line of California street, said point

Bound-  
aries.

Bound-  
aries.

being distant four hundred and twenty-four and five-tenths (424.5) feet east of the southeast corner of Lake avenue and California street, and also being the northwest corner of lot numbered one (1) of C. K. Meneely's subdivision, as per map recorded in book 30, page 21 of Miscellaneous Records of Los Angeles County, State of California; thence running south  $17^{\circ} 04'$  east, thirteen hundred and sixty-one (1361) feet along the westerly line of said C. K. Meneely's subdivision and the easterly line of the Merrill and Leighton subdivision as per map recorded in book 22, page 75 of Miscellaneous Records of Los Angeles County, State of California, and a prolongation thereof to a white oak tree two feet in diameter; thence running south  $20^{\circ}$  east, three hundred and eighteen (318) feet, more or less, to a point in the south boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands, said point being three hundred and sixteen and eight-tenths (316.8) feet west of the southeast corner of lot numbered Six (6) of Block "R" of San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running along the southerly and easterly boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands as follows, to wit: West twenty-one hundred and sixty-seven and forty-four hundredths (2167.44) feet, south  $10^{\circ} 45'$  west twenty-two hundred and six and thirty-eight hundredths (2206.38) feet, south  $85^{\circ}$  west twenty-five hundred and fifty-four and eighty-six hundredths (2554.86) feet, north  $52^{\circ} 37'$  west, eight hundred and eighty-five and seventy-two hundredths (885.72) feet to a point on the southeasterly boundary line of lot numbered Twelve (12) of Block "N" of said San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running south  $35^{\circ} 45'$  west along the easterly boundary line of said lot numbered Twelve (12) and a prolongation of the said east boundary line ten hundred and twenty-eight and eight-tenths (1028.8) feet, more or less, to an intersection with the south line of Columbia street extended east, as shown on a map of San Gabriel Orange Grove Association lands as recorded in book 2, page 558 of Miscellaneous Records of said Los Angeles County; thence running west along the said south line of Columbia street, its extension and a prolongation thereof to a point in the west bank of the Arroyo Seco, said point being an intersection of a line which is a prolongation of the said south line of Columbia street with the westerly line of lot numbered Fifty-nine (59) of a plat of land in the Arroyo Seco (known as Arroyo Wood Lots) as per map recorded in book 3, page 282 of Miscellaneous Records of Los Angeles County; thence running northerly along the westerly boundary line of said plat of land in the Arroyo Seco to the northwesterly corner of lot numbered Thirty-three (33) of said plat of land in the Arroyo Seco, as per map recorded in book 3, page 281 of Miscellaneous Records of Los Angeles County; thence running north  $24^{\circ}$



12' east three hundred and twenty-four (324) feet to a stake; thence running north  $42^{\circ} 20'$  east, two hundred and ninety-six and three-tenths (296.3) feet to a stake; thence running north  $60^{\circ} 35'$  east, five hundred and twelve (512) feet to a stake; thence running north  $36^{\circ} 40'$  east, two hundred and six and six-tenths (206.6) feet to a stake; thence running north  $24^{\circ} 38'$  east, one hundred and eighty-six and eight-tenths (186.8) feet; thence running north  $60^{\circ} 38'$  east, two hundred and forty and five-tenths (240.5) feet to a stake; thence running north  $26^{\circ} 14'$  east, four hundred and thirty-six and six-tenths (436.6) feet to a stake; thence running north  $67^{\circ} 47'$  west, three hundred and eighty-one and one-tenth (381.1) feet to a stake; thence running north  $36^{\circ} 44'$  west, one hundred and thirty-eight and four-tenths (138.4) feet to a stake; thence running north  $23^{\circ} 11'$  west, one hundred and seventy-eight and one-tenth (178.1) feet to a stake; thence running north  $21^{\circ} 14'$  east, six hundred and forty-one and seventy-five hundredths (641.75) feet to a stake; thence running north  $4^{\circ} 40'$  west, three hundred and eighty-nine and three-tenths (389.3) feet to a stake; thence running north  $39^{\circ} 40'$  west, two hundred and forty-three and four-tenths (243.4) feet to a stake; thence running north  $11^{\circ} 35'$  west, four hundred and eight (408) feet to a stake; thence running north  $17^{\circ} 15'$  west, one hundred and six and four-tenths (106.4) feet to a stake; thence running north  $41^{\circ} 37'$  west, two hundred and twenty-five and five-tenths (225.5) feet to a stake; thence running north  $11^{\circ} 19'$  west, two hundred and forty-four and six-tenths (244.6) feet to a stake; thence running north  $0^{\circ} 48'$  west, one hundred and sixty-six and seven-tenths (166.7) feet to a stake; thence running north  $21^{\circ} 41'$  west, one hundred and seventeen and five-tenths (117.5) feet to a stake; thence running north  $59^{\circ} 17'$  west, four hundred and forty-two and two-tenths (442.2) feet to a stake; thence running north  $25^{\circ} 44'$  west, seven hundred and seventy-six and four-tenths (776.4) feet to a stake; thence running north  $15^{\circ} 36'$  west, eight hundred and fourteen and eight-tenths (814.8) feet to a stake; thence running north  $35^{\circ} 46'$  west, one hundred and ninety-six and six-tenths (196.6) feet to a stake; thence running north  $14^{\circ} 37'$  west, seven hundred and eighty-nine and five-tenths (789.5) feet to a stone monument and place of beginning.

Bound-  
aries.

That Section Two of Article One of the charter of said city, be amended to read as follows:

SEC. 2. The city shall be divided into five wards as follows, Wards.  
to-wit:

The first ward, which shall include all that portion of the city which lies east of the center line of Raymond Avenue and between the center line of Colorado Street and the old north city limits, as described in the charter of said city, as adopted and ratified November 20th, 1900. First.

The second ward, which shall include all that portion of the city which lies west of the center line of Raymond Avenue Second.

and lying between the center line of Colorado Street, and a prolongation westerly thereof and the old north city limits as described in the charter of said city, as adopted and ratified November 20th, 1900.

Third. The third ward, which shall include all that portion of the city which lies south of the center line of Colorado Street and east of the center line of Raymond Avenue, and a prolongation southerly thereof to the south city limits.

Fourth. The fourth ward, which shall include all that portion of the city which lies south of the center line of Colorado Street and a prolongation westerly thereof to the west city limits and west of the center line of Raymond Avenue, and a prolongation southerly thereof to the south city limits.

Fifth. The fifth ward, which shall include all that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20th, 1900.

Change of boundaries. The City Council shall have power to change the boundaries of the said wards by ordinance adopted as other ordinances are required to be adopted under this charter; *provided*, that the said boundaries shall not be changed oftener than once in three years.

That Section One of Article Two of the charter of said city be amended to read as follows:

Officers of city. SECTION 1. The officers of the city shall be:

Mayor.

Seven members of the city council.

City treasurer, who shall be ex-officio city tax and license collector.

City clerk.

City attorney.

Judge of the police court.

City auditor, who shall be ex-officio city assessor.

City engineer.

Superintendent of streets.

Board of commissioners, consisting of five members, who shall have control of the park, fire, and police departments of the city government.

Board of water commissioners, consisting of five members, who shall have control of the water department of the city government.

Board of education, consisting of five members.

Board of library trustees, consisting of five members.

Board of health, consisting of five members.

That Section One of Article Eight of the charter of said city be amended to read as follows:

Legislative power. SECTION 1. The legislative power of the city shall be vested in a council of seven members; *provided, however*, that such legislative power shall be exercised subject to the veto power of the mayor as in this charter provided.

That Section Two of Article Eight of the city charter be also amended to read as follows:

SEC. 2. One of the members of the council shall be nominated from each of the wards of the city and two from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the council shall have been a citizen of the state and a resident and qualified elector of the city for a period of at least three years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

Members  
of council.

Qualifica-  
tions.

That a section to be known as Section Three and one-half be added to Article Eight of the charter of said city, and shall read as follows:

SEC. 3½. The councilman from the fifth ward and the councilman at large to be elected on the first Monday of April, 1905, shall so classify themselves by lot that one shall hold office for two years, and one shall hold office for four years, thereafter their successors shall hold office for four years and until their successors are elected and qualified.

Classifica-  
tion and  
term.

That Section Five of Article Eight of the charter of said city be amended to read as follows:

SEC. 5. Four of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative votes of four members.

Quorum.

That Section Six of Article Eight of the charter of said city be amended to read as follows:

SEC. 6. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which, being less formal in character, require only to be duly passed by the council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the mayor. In the case of orders the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the council, must be submitted to the mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and every ordinance and resolution to be valid must be passed by a vote of not less than four members of the council and approved by the mayor; *provided, however*, that if the mayor disapprove any order or does not approve any resolution or ordinance within the time herein provided, it may be passed by vote of not less

Ordi-  
nances,  
resolu-  
tions, and  
orders,  
what are.

Approval  
and dis-  
approval  
of mayor.

Final  
passage.

than five members of the council and shall then be as valid as if approved by the mayor.

That Section Eight of Article Twelve of the charter of said city be amended to read as follows:

Budget;  
mayor's  
veto.

SEC. 8. The budget shall, when completed by the council, be delivered to the mayor who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the mayor and city clerk, and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the auditor.

Final  
estimate,  
disposi-  
tion of.

That a new article be added to the charter of said city to be known as Article Six and one-half, to read as follows:

ARTICLE 6½.

WATER, WATER RIGHTS AND WATER WORKS.

Water  
commis-  
sioners.

SECTION 1. The water department of the city shall be under the control and management of a board of water commissioners consisting of five members, four of whom shall be appointed by the mayor and their appointment confirmed by the council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the state and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

Qualifica-  
tions.

Term.

Quorum.

Secretary.

SEC. 2. Three of the members of the board shall constitute a quorum for the transaction of business. The city clerk shall act as secretary of the board and keep the minutes thereof.

Purchase  
of machin-  
ery, etc.

SEC. 3. The board shall have authority to purchase all machinery, pumps, supplies, articles and materials for the use of the water department.

Control  
and man-  
agement  
of water  
works, etc.

SEC. 4. The board shall have the exclusive control and management of all water and water works that now belong, or may hereafter be acquired by the city; the construction, maintenance, and improvement of such works; the management, rental, sale, and distribution of such water; the collection of rates for the same, and the general charge thereof. The board shall annually recommend to the council the rates to be charged for such water, but such rates shall be fixed by the council. The board may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed

Water  
rates.

Employés.

upon or about said water works, or in the management, rental, sale, and distribution of such water, and the collection of rates for the same, and may prescribe and fix their duties, compensation, and authority; *provided, however*, that the board must adopt such civil service regulations as to them may be deemed wise, subject to the approval of the city council.

Civil service regulations.

SEC. 5. All moneys received by the board from the collection of rates or otherwise shall be deposited in the treasury of the city to the credit of a fund to be known as the "Water Fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demand previously approved by vote of three members of the board, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the mayor as the presiding officer of said board, and by the clerk thereof, except that the city council, at the time of fixing the general tax levy, may in its discretion by resolution, apportion and set apart out of the moneys then in said "Water Fund," an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time of fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment and for no other purpose; and if there shall be a surplus remaining the same shall forthwith be transferred into the said "Water Fund."

"Water Fund" moneys, disposition of.

SEC. 6. None of the money in said "Water Fund," shall be apportioned or used for any purpose or purposes other than the following, to wit:

"Water Fund" apportionment.

1st—For the necessary expenses of conducting the water department, operating the water works, and making all current and ordinary extensions, betterments and repairs.

Necessary expenses.

2nd—For the extraordinary improvement of and betterment to the property, works and systems of supply and distribution of the water controlled by the water department, including purchase of necessary lands, water rights and other property.

Extraordinary improvements, etc.

3rd—The payment as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

Bonds, principal and interest.

SEC. 7. The board of water commissioners shall present to the city council annually in each year a detailed report for the year ending the 30th day of June, which shall show the amount of money received from all sources and purposes for which such money has been expended and amount so expended and balance on hand; also, the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the first Tuesday of each month, make out and present a similar statement of all the expenses and expenditures during the preceding calendar month.

Commissioners' yearly report.

Monthly report.

That Section Two of Article Three of the charter of said city be amended to read as follows:

Compensation of certain commissioners.

SEC. 2. The members of the board of park, fire and police commissioners', members of the board of education, members of the board of library trustees and the members of the board of health shall serve without compensation. But the members of the board of water commissioners' shall receive such compensation as may be hereafter fixed by the council.

That Section One of Article Six of the charter of said city be amended to read as follows:

PARK, POLICE, AND FIRE DEPARTMENTS.

Park, police, and fire departments.

SECTION 1. The park, police, and fire departments of the city shall be under the control and management of a board of commissioners consisting of five members, four of whom shall be appointed by the mayor and their appointment confirmed by the council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the state, and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

Commissioners, qualifications and terms.

Repealed.

That Section Four of Article Six of said charter be repealed.

That Section Three of Article Eleven of the charter of said city be amended to read as follows:

Demands.

SEC. 3. Said demands, except demands payable out of the school fund, water fund and library fund, shall be presented to the council on forms to be supplied by the city clerk. The council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determines, approve in part or reject the whole. The action of the city council shall be endorsed thereon, with the date of such action and certified by the signature of the city clerk.

Approval of.

That a new section to be designated as Section Seven and one-half be added to Article Eleven of the charter of said city, and shall read as follows:

"Water" Fund" demands, action and approval of.

SEC. 7 $\frac{1}{2}$ . All demands payable out of the "Water Fund" must, before they can be approved by the city auditor, or paid, be previously approved by the board of water commissioners' by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the mayor as the presiding officer of such board, and by the clerk thereof. After the approval of said demands, they shall be delivered to the city auditor, who shall have the same powers, and shall perform the same duties in reference to demands payable out of the "Water Fund" as is provided for other demands; *pro-*

Demands, delivery after approval.

*vided*, that in case the city auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part he shall return the same to the board of water commissioners', instead of the council.

Rejection and return of demand.

That Section Nine of Article Eleven of the charter of said city be amended to read as follows:

SEC. 9. Any demand returned to the council, with the objections of either the mayor or the auditor, shall again be considered by the council, and if it shall again be approved by the council and endorsed and certified as required by Section Three of this Article, the said objection shall thereby be overruled. Any demand returned to the board of education the board of water commissioners' or to the board of library trustees with the objection of the city auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the city auditor shall thereby be overruled. Any demand, the objection of the mayor to which has been overruled, shall be delivered to the city auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the mayor. Any demand, the objection of the city auditor to which has been overruled by the city council, the board of education, the board of water commissioners' or the board of library trustees, as the case may be, shall be delivered to the city auditor, who shall number and make a record of such demand as in the case of demands approved by the mayor.

Returned demands, proceedings and action on.

Disposition of overruled demands and objections.

That Section Sixteen of Article Eleven of the charter of said city be amended to read as follows:

SEC. 16. Before any demand which originates in the fire, police, or park departments of the city government can be approved by the council it must first be approved by the board of commissioners' having charge of such departments by a vote of at least three members thereof, and the approval of such board of commissioners', with the date of such approval must be endorsed on such demand and must be evidenced by the signature of the mayor as the presiding officer of such board, and by the clerk of the said board.

Approval of fire, police, and park demands.

That Section Eighteen of Article Eleven of the charter of said city be amended to read as follows:

SEC. 18. No suit shall be brought upon any claim for money or damages against the City of Pasadena, its board of education, board of water commissioners', or the board of library trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

Suits for damages.

That Subdivision Eighth of Section Three of Article One of the charter of said city be amended to read as follows:

Eighth—To construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and the right to supply water to persons who live without the city limits.

Construction of water works, etc.

That Section Thirteen of Article Five of the charter of said city be amended to read as follows:

## CITY ATTORNEY.

City  
attorney.Qualifica-  
tions.Appoint-  
ment and  
removal.

SEC. 13. The city attorney shall be a citizen of the state and a resident and qualified elector of the city. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor and his appointment confirmed by the council. He may be removed by the mayor, with the consent of the council, at any time.

That Section Three of Article Fifteen of the charter of said city be amended to read as follows:

Judge of  
police  
court.Qualifica-  
tions.

SEC. 3. The judge of the police court shall be a citizen of the state, and a resident and qualified elector of the city. He shall have been duly admitted to practice as an attorney at law by the Supreme Court of the State of California, and shall have been actually engaged in the practice of the profession of law for a period of two years next preceding his appointment.

That Section Ten of Article Twelve of the charter of said city be amended to read as follows:

Appropri-  
ations.

SEC. 10. The council may appropriate in the aggregate during each year not to exceed twenty-five hundred dollars for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least five members of the council and approved by the mayor.

That Section Three of Article Thirteen of the charter of said city be amended to read as follows:

Franchise,  
grant of.

SEC. 3. In granting a franchise the city council shall impose such lawful conditions, restrictions and limitations as may best subserve the public interest and welfare; *provided, however,* that no franchise shall be granted for a longer term than twenty years.

That a new article be added to the city charter of said city to be known as Article Twenty and one-half, and shall read as follows:

## ARTICLE 20½.

## RECALL.

Removal  
from office.

Procedure.

The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least 25 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition



need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

AND WHEREAS, The said Proposed Amendments to the Charter of the City of Pasadena, so ratified are now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with Section Eight of Article Eleven of the Constitution of the State of California.

Signatures to petition.

Examination of petition.

Clerk's certificate.

Amended petition.

Sufficiency of petition.

Election.

Publication of notice.

Successor in office.

Removal election, etc.

STATE OF CALIFORNIA, }  
 COUNTY OF LOS ANGELES, CITY OF PASADENA. } SS

Certificate  
 of Mayor  
 and clerk.

This is to certify that we, William H. Vedder, Mayor of the City of Pasadena, and Heman Dyer, Clerk of the City of Pasadena, have compared the foregoing proposed and ratified Amendments to the Charter of the City of Pasadena, with the original ordinance proposing such Amendments and submitting the same to the qualified electors of said city at a Special Municipal Election called for that purpose on Saturday the fourth day of February, nineteen hundred and five, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the Preamble preceding said Amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of the City of Pasadena to be attached this 8th day of February nineteen hundred and five.

WILLIAM H. VEDDER,  
 Mayor of the City of Pasadena.

[SEAL] HEMAN DYER,  
 City Clerk of the City of Pasadena.

Now therefore, be it

Resolution  
 of legis-  
 lature.

*Resolved by the Assembly of the State of California the Senate thereof concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said Amendments to the City Charter of said City of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as Amendments to, the City Charter of said City of Pasadena.

## CHAPTER XXI.

*Senate Concurrent Resolution No. 14, relative to the consent of the legislature to the absence of His Excellency, George C. Pardee, Governor of the State of California, from the state for more than sixty days.*

[Adopted February 23, 1905.]

Absence of  
 Governor  
 George C.  
 Pardee  
 from state.

*Resolved by the Senate, the Assembly concurring*, That the legislature of the State of California has consented, and does hereby consent, that His Excellency, George C. Pardee, Governor of the State of California, may absent himself from the State of California, at such times as he may choose, or as necessity may require during his official term for a period of more than sixty days; *provided*, that the periods of such absence taken together do not exceed, in any one calendar year, a period of four months.

## CHAPTER XXII.

*Senate Joint Resolution No. 6.*

[Adopted February 24, 1905.]

WHEREAS, There are contained in the government arsenal at Benicia, Cal., Springfield rifles, of 45-70 caliber, called in from the National Guard companies of the State of California by the Federal government, which has adopted in lieu of the Springfield rifle the Krag-Jorgensen model; and

With-  
drawal of  
rifles from  
govern-  
ment  
arsenal at  
Benicia for  
use of the  
Sons of  
Veterans.

WHEREAS, There exists in the United States a large and influential non-sectarian and non-political patriotic organization known as the Sons of Veterans, U. S. A., whose membership is composed of the sons and grandsons of honorably discharged Union soldiers, sailors and marines of the civil war of 1861-1865, in many instances members of the aforesaid order themselves being honorably-discharged soldiers of the civil war or of the Spanish-American war; and

WHEREAS, The avowed principles of the order of Sons of Veterans, U. S. A., and of the subdivisions by states and territories, known as "divisions," and of the local minor organizations, known as "camps," of which said order is composed include devotion to and loyal support of the constitution and flag of the United States, in pursuance whereof a military body known as "The Sons of Veterans Reserves" has been formed from among the members of the order, said "reserves" being subject to the call of the President of the United States for military duty in time of war; and

WHEREAS, The principles of the order of Sons of Veterans, U. S. A., include further a chivalrous regard for the honor, peace and welfare of the living veterans of the civil war and for the glorious memory of the dead, in the exemplification of which regard the order recognizes and enjoins a proper observance of each Memorial Day, with its attendant ceremony of the firing of rifle volleys over the graves of those who, in life, were defenders of the Federal Union in its time of need; and

WHEREAS, In furtherance of the foregoing principles of the order of Sons of Veterans, U. S. A., it becomes necessary that the members of the Division of California of said order, being at the present time the membership contained within the confines of the State of California, shall be equipped for the purposes of drill and the firing of salutes on Memorial Day, the right of members of said order of Sons of Veterans, U. S. A., to carry arms within the borders of the State of California, being conceded by the authorities thereof; therefore, be it

*Resolved by the Senate, and the Assembly jointly,* That our senators and representatives in congress be and they are hereby requested to employ all honorable means to obtain the passage of an act permitting the withdrawal from the government arsenal at Benicia, California, under bond to be given by the division commander of the Division of California, Sons of

Veterans, U. S. A., he to be designated as the proper authority to receive as many of the Springfield rifles of 45-70 caliber stored in said arsenal as may be required for the use of the members of the Division of California, Sons of Veterans, U. S. A.; and be it

*Resolved further*, That the secretary of the senate be and he is hereby instructed to mail a copy of these resolutions to each of our senators and representatives in congress.

### CHAPTER XXIII.

*Senate Concurrent Resolution No. 15—Approving eleven certain amendments of the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the thirteenth day of February, 1905.*

[Adopted February 28, 1905.]

Amend-  
ments to  
the charter  
of the City  
of Fresno.  
Preamble.

WHEREAS, The City of Fresno, in the County of Fresno, State of California, contains a population of over ten thousand inhabitants and has been ever since the first day of July, 1901, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section eight of Article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the tenth day of April, 1899, and approved by the Legislature of the State of California on the twenty-eighth day of January, 1901 (Stats. 1901, page 832) and which charter has never been amended; and,

WHEREAS, The legislative authority of said city, namely the Mayor and Board of Trustees thereof, duly proposed to the qualified electors of the City of Fresno eleven certain amendments to the charter of said city by passage and approval of the eleven following ordinances of said city, to wit: Ordinance No. 463, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending sections 10, 12, 13, 16, 17, 19, 20, 21 and 23, and by repealing section 27 thereof, and by renumbering section 28 thereof, so that it shall be numbered and known as section 27, and amending the same, and by adding a new section thereto, to be numbered and known as section 28, all relating to the legislative department and powers of the government of said city, and to be known and designated as Charter Amendment Number One (1)," passed on the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 464, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending sections 33, 37, 38, 42, 44 and 45 thereof, and by repealing section 49 thereof, and by amending sections 50, 51, 52, 53, 54, 55 and 56 thereof; all relating to the executive department of the government of said city, and the powers and duties of the executive officers thereof, and to be known and designated as Charter Amendment Number Two (2)," passed on the 9th day of November, 1904, and approved on the 10th day of November, 1904.

Amend-  
ments to  
the charter  
of the City  
of Fresno.  
Preamble.

Ordinance No. 465, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article V thereof by amending the title thereof and by amending sections 80, 82, 86 and 87 of said charter, included therein, and by amending Article VI thereof by amending sections 90, 91, 93, 94 and 96, and by repealing section 92 thereof, and by adding thereto a new section to be numbered and known as section 101 of said charter, all included in said Article VI; all relating to public works, including the acquisition of public utilities, and to be known and designated as Charter Amendment Number Three (3)," passed on the 9th day of November, 1904, and approved on the 10th day of November, 1904.

Ordinance No. 466, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Article VI thereof by repealing sections 95 and 97, and by amending Article VII thereof by adding a new section thereto to be numbered and known as section 112 of said charter, and by amending section 110 thereof, and by amending Article VIII of said charter by amending section 120, included therein, and by adding thereto two new sections, to be numbered and known as sections 121 and 122, respectively, and by transferring and adding to said Article VIII section 98 of the charter and renumbering the same so that it shall be numbered and known as section 123 of said charter, and by transferring and adding to said Article VIII sections 99 and 100 of the charter, and renumbering the same so that they shall be numbered and known as section 124 and 125, respectively, and otherwise amending the same; all relating to the powers and duties of the board of trustees and other officers in the matter of the finances of the city, including tax levies and bonded indebtedness, to be known and designated as Charter Amendment Number Four (4)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 467, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article IX thereof by amending sec-

Amend-  
ments to  
the charter  
of the City  
of Fresno.  
Preamble.

tion 130, and by repealing sections 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 of said charter, all included in said Article IX, and by adding two new sections to said article, to be numbered and known as sections 131 and 132 of said charter; all relating to the Board of Education of said city, and to be known and designated as Charter Amendment Number Five (5)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 468, entitled "An ordinance describing and setting forth proposals of the City of Fresno, State of California, to amend the charter of the said city by amending Article X thereof by amending sections 160, 169 and 174 of said charter, and by adding to said Article X five new sections to be numbered and known as sections 175, 176, 177, 178 and 179 of said charter; all relating to the Health Department of the government of said city, to be known and designated as Charter Amendment Number Six (6)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 469, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by adding a new chapter to Article XI thereof, to be called 'Chapter II,' and entitled 'Public Parks,' containing ten new sections to be numbered and known as sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of said charter; all relating to the public parks and park commissioners of said city, to be known and designated as Charter Amendment Number Seven (7)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 470, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending sections 220 and 221 of Article XIV, relating to salaries of officers, to be known and designated as Charter Amendment Number Eight (8)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 471, entitled "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article XI of the charter by adding to the words "Article XI" the words "Chapter 1" and by amending section 180, included in said article; by amending the title of Article XIII of the charter, and by adding to the charter, under said Article XIII, a new section to be numbered and known as section 212; by amending sections 210 and 211, and by repealing section 212 of the charter; by amending sections 230 and 233 of the charter, and by adding to the charter a new section, under Article XV thereof, to be numbered and known as section 244; and by amending Article XVI of said charter by amending sections 250, 252, 253, and

267 of the charter, by repealing section 254 and by repealing section 269 and adding a new section to be numbered 269, and by adding a new section to be numbered 281; all on the subject of certain officers of the city, and relating to their qualifications, deputies, duties, compensation, official bonds, and terms of office, to be known and designated as Charter Amendment Number Nine (9)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Amend-  
ments to  
the charter  
of the City  
of Fresno.  
Preamble.

Ordinance No. 472, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Article XVI by adding a new section thereto to be numbered 282, relating to removal from office of any elective officer by election had upon petition; to be known and designated as Charter Amendment Number Ten (10)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 473, entitled "An ordinance describing and setting forth a proposal to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending section 205 relating to elections, and to be known and designated as Charter Amendment Number Eleven (11)" passed the 5th day of December, 1904, and approved the 5th day of December, 1904, and,

WHEREAS, Said eleven ordinances aforementioned containing said eleven proposed amendments to said charter were, in accordance with the provisions of section eight of Article eleven of the Constitution of the State of California, published for twenty days after their passage and approval in the Fresno Evening Democrat and Fresno Morning Republican, daily newspapers of general circulation in the City of Fresno; and,

WHEREAS, The legislative authority of said City of Fresno did by Ordinance No. 475, entitled, "An ordinance calling and giving notice of a special election for the purpose of submitting to the qualified electors of the City of Fresno, the proposals to amend the charter of the City of Fresno embodied and described in eleven certain ordinances herein referred to," passed the 16th day of January, 1905, and approved the 17th day of January, 1905, call a special election to be held on Monday, the 13th day of February, 1905, for the purpose of submitting to the qualified electors of said city eleven proposed amendments to said charter; and,

WHEREAS, Said special election was held in said city, on the 13th day of February, 1905, which day was more than forty days after said proposed amendments had been published for twenty days in said newspapers, to wit: the Fresno Morning Republican and Fresno Evening Democrat; and,

WHEREAS, On the 20th day of February, 1905, at a regular meeting duly convened, in accordance with law and the charter of said city, the said Board of Trustees duly and regularly canvassed the returns of said special election and

Amend-  
ments to  
the charter  
of the City  
of Fresno.

Preamble.

duly declared the results thereof, said Board of Trustees being by law and the charter of said city authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city; and,

WHEREAS, At said special election so held on the 13th day of February, 1905, each of said proposed amendments was ratified by a majority of the electors voting thereon; and,

WHEREAS, The said eleven amendments so ratified by the electors of the said City of Fresno at said election are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of Article eleven of the Constitution of the State of California, and are in the words and figures following, to wit:

AMENDMENTS TO THE CHARTER OF THE CITY OF FRESNO,  
RATIFIED BY A MAJORITY OF THE ELECTORS VOTING  
THEREON AT THE SPECIAL ELECTION HELD FOR THAT  
PURPOSE ON MONDAY, THE THIRTEENTH DAY OF FEB-  
RUARY, 1905.

That section 10 of the charter be amended to read as follows:

Board of  
trustees.

Section 10. The legislative power of the city shall be vested in a Board of Trustees, consisting of eight members. Each member thereof shall be at least twenty-five years of age, and a resident and qualified elector of the ward from which he is elected.

Qualifica-  
tions.

Election of

A Board of Trustees shall be elected every four years, one member from each ward, but by the votes of the entire city, the candidate from each ward receiving the highest number of votes to be declared elected.

That section 12 of the charter be amended to read as follows:

Meetings.

Section 12. The Board of Trustees shall meet on the first Monday after the election of its members shall have been officially declared, and shall hold regular meetings on every first and third Monday monthly thereafter; *provided*, that if any regular meeting shall fall on a holiday, such meeting shall be held on the Tuesday following unless the Board of Trustees at the previous meeting shall by order entered in its minutes direct that a meeting shall be held on such holiday. It shall be lawful for the Board of Trustees to meet and transact any of its business on any legal holiday, and any business transacted at such meeting shall be as valid as if transacted on any other lawful day.

Exception.

That section 13 of the charter be amended to read as follows:

Special  
meetings.

Section 13. Special meetings of the Board of Trustees may be called by the Mayor or by three Trustees. Five members shall constitute a quorum for the transaction of any business in which the concurrence of a larger number shall not by this

Quorum.



charter be required; *provided*, that no ordinance shall ever be passed by less than the affirmative votes of five members.

A less number than five members at any meeting may adjourn to another time and compel the attendance of absent members under such penalties as the Board of Trustees may prescribe by ordinance or resolution. Adjournment.

That section 16 of the charter be amended to read as follows:

Section 16. No ordinance shall be amended by reference to its title only; but when any ordinance is amended, the section, or, if subdivided, the subdivision amended, shall be set out in full as amended. Ordinances, how amended.

That section 17 of the charter be amended to read as follows:

Section 17. Every ordinance shall have a title briefly stating the general subject thereof. Title of ordinance.

That section 19 of the charter be amended to read as follows:

Section 19. All legislation by the Board of Trustees shall be by ordinance; other acts thereof may be by resolution, upon motion, or other customary and lawful method. Legislation by ordinance.

No ordinance granting any franchise, or calling for an election or submission of a proposition to incur a bonded indebtedness, shall be passed without the concurrence of at least six members. Ordinances granting franchises.

No ordinance other than such as is required by law to be passed at or within a time certain, shall be passed within five days after its introduction, nor until it has been published at least once in a newspaper published in the City of Fresno, or posted in three public places therein; *provided*, that if it be amended after so published, it shall be republished as amended before passage; *provided further*, that any ordinance other than such as grant franchises or propose the incurring of a bonded indebtedness, may be passed at any meeting by the affirmative votes of eight members, and so recorded, which by its terms may be made to take effect immediately without publication. Publication of ordinances.

No ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Final passage.

That section 20 of the charter be amended to read as follows:

Section 20. Every proposed ordinance passed by the Board of Trustees shall be submitted to the Mayor, the Clerk noting thereon the time of delivery to him. The Mayor shall consider the same, and if he approve it, he shall sign and return it to the Clerk; if he shall disapprove it he shall state his objections thereto in writing, and, in either case, return it to the Clerk within ten days, after receiving it. If he shall sign it or fail to return it to the Clerk within ten days, it shall become an ordinance. Ordinances submitted to mayor. Approval and disapproval.

That section 21 of the charter be amended to read as follows:

Action of trustees, if an ordinance be vetoed by the mayor.

Section 21. When such proposed ordinance shall be returned with the objections of the Mayor, the Board of Trustees shall, on or before its next regular meeting, proceed to consider and vote on the same. If it be again passed, by the vote of six members voting therefor, it shall take effect as if approved by the Mayor; otherwise it shall be finally lost.

That section 23 of the charter be amended to read as follows:

Redistricting of city.

Section 23. The Board of Trustees shall, not later than the year 1912, and every fifth year thereafter, redistrict the city into eight wards, making them as nearly equal in population and as geographically compact as possible, but the city shall not be redistricted into wards within ninety days previous to any municipal election.

Repealed.

That section 27 of the charter be repealed.

That section 28 of the charter be amended by changing its number to 27, and otherwise to read as follows:

Board of trustees, powers of.

Section 27. The Board of Trustees shall have power: First.—Except as in this charter otherwise provided, to try, and by majority vote of all the members of the Board to remove from office appointees against whom charges have been preferred; and by not less than seven affirmative votes to remove any appointee at any time when in the judgment of the Board the public service will be improved thereby.

Removal from office.

By-laws.

Second.—To make by-laws and ordinances not repugnant to the Constitution of the United States or of the State of California, or any of the provisions of this charter.

Levy of taxes, etc.

Third.—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state or county purposes, as hereinafter provided and limited.

Care of property.

Fourth.—To buy, sell, use, lease, control, have police power over, improve and take care of the real estate and personal property of the city; *provided, however*, that said Board shall have no power to mortgage or hypothecate any property of said city for any purpose; *provided further*, that no real property shall be purchased or sold until the same shall have been appraised by three appraisers, one of whom shall be the Mayor, and two competent disinterested persons appointed by the Board. Such appraisers shall make a written report under oath to said Board of the actual value of the same, and no title shall pass from said city, in case of a sale, and no warrant shall be drawn, in case of a purchase, until such appraisal; *and provided further*, that no real property shall be sold except after publication calling for sealed proposals for at least ten days in a newspaper published in said city.

Appraisers.

Publication.

Street improvements, etc.

Fifth.—To lay out, extend, alter or close streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise permanently improving the same, and for the construction, repair, regulation and preservation

of sidewalks, bridges, drains, curbs, gutters and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses and spaces.

Sixth.—To regulate or exclude the landing and storage of gunpowder and other combustible materials. Explosives.

Seventh.—To determine what are nuisances, and to prevent and remove the same. Nuisances

Eighth.—To regulate the maintenance of acid works, slaughter-houses, wash-houses, laundries, tanneries, offensive trades, and all other works, store-houses and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper or exclude such works and business from the city. Acid works, slaughter-houses, etc.

To provide for the appointment of an officer for the inspection, measurement or graduation of any merchandise, manufacture or commodity, and to regulate his duties and provide for his compensation. To provide public scales for weighing according to lawful standards, and to provide regulations for the use thereof and for the appointment and compensation of agent to conduct the same. Inspection officer.

Ninth.—To fix and collect license taxes for revenue and regulation, on, and to regulate theatres, melodeons, dance halls, concerts and all theatrical and melodeon performances of any kind for which an admission fee is charged or which may be held in any house where wines or liquors are sold; circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements. License taxes.

To fix and collect a license tax for the purposes aforesaid on all taverns, hotels, lodging-houses, restaurants, saloons, bar-rooms, bankers, brokers, gold-dust buyers, manufacturers, livery stable keepers, express companies and persons engaged in transmitting letters or packages, railroad and stage companies or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit or suppress, all tipping houses, dram shops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds; to prohibit and suppress all dog fights, prize fights, cock fights, bull or bear or badger baits; also, to prohibit or suppress all gaming and all gambling or disorderly houses; to regulate, prohibit or suppress all houses of ill-fame; also, to fix and collect a license tax, for revenue, upon all lawful professions, trades or businesses not heretofore specified. Same.

Tenth.—To provide and maintain all public buildings, parks or squares necessary or proper for the use of the city, within or without the limits of the same. Public buildings, etc.

Eleventh.—To provide and maintain a morgue, and city hospital. Morgue.

Twelfth.—To prevent and restrain any riot or riotous assemblage or disorderly conduct within said city, or on property owned or leased by it. Riots.

- Markets. Thirteenth.—To establish and regulate markets.
- Elections. Fourteenth.—To provide for conducting elections and appointing the necessary election officers.
- Railroads. Fifteenth.—To fix, alter and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof.
- Examination of books, papers, etc. Sixteenth.—To examine, either in open session, or by committee or commission, books, papers, vouchers, reports and statements of the several officers, or of any other person having custody, care, management, collection, disbursement or control of any moneys or property belonging, appertaining or appropriated to the city, or either of its funds, trusts or uses.
- License and regulation of coaches, etc. Seventeenth.—To license for revenue and regulation hackney coaches, cabs, omnibuses, drays and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for taverns or hotels.
- Liquidation of accounts. Eighteenth.—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as found legal or illegal.
- Appropriations. Nineteenth.—To make appropriations authorized by law; to examine and audit, reject or allow the accounts of all officers or other persons having the care, management, collection or disbursement of any money collected for, belonging, appertaining or appropriated to the city, or any of its uses or trusts, and to determine, allow and pay the salary, fees or percentage which such officer or person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the fiscal year. In no case shall a liability be created or a warrant drawn against any fund beyond the actual amount of money existing in such fund wherewith to meet the same; *provided, however*, should the Board, or a majority thereof, contract or create any debt against the city, not authorized by the provisions of this charter, such debt, claim or obligation shall be null and void as against the city or any of its funds; but every Trustee voting in favor of the contracting or creation of any such illegal debt, shall be held personally responsible for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom.
- Contracts and agreements. Twentieth.—To control, enlarge and improve or abolish the cemeteries belonging to the city, and to acquire other cemeteries, and to sell or lease lots therein; to control and regulate interments, and to prohibit them within the city limits.
- Payments. Twenty-first.—To establish fire limits and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings and signs; and to forbid the erection, alteration, improvement or repair of any building to be
- Void claims and responsibility of trustees.
- Cemeteries.
- Fire limits and construction of buildings, etc.

used for immoral or unlawful purposes, or in such manner as to obstruct the officers of the law; and to require permits for the erection, repair or improvement of buildings, and that all applications for such permits shall state the purpose for which the building is to be used.

Twenty-second.—To provide for supplying the city with water, and to regulate the sale and distribution thereof. Water.

Twenty-third.—To provide for lighting the public streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial gas, natural gas, electricity or other means of illumination. Lighting of streets, etc.

Twenty-fourth.—To provide and maintain a city prison, and for the care, feeding, working and clothing of the city prisoners; *provided*, that during such time as the city shall have no such prison, sentences to imprisonment for violations of the charter or ordinances shall mean, and shall be executed by, imprisonment in the county jail of Fresno county, within the city. City prison.

Twenty-fifth.—To make real estate in said city limits liable for the construction of sidewalks, crossings and all other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes. Real estate liability.

Twenty-sixth.—To prevent or regulate the running at large of any animals; to establish a pound within or without the city, and to authorize the destruction, sale or impounding of any animals found running at large in the city or upon any of the public property of the city. Pound, etc.

Twenty-seventh.—To regulate or prohibit the use of steam boilers, gas and gasoline engines, the location of telegraph, telephone, electric light and other poles and wires, and the construction of entrances to cellars and basements from sidewalks. Steam boilers, engines, etc.

Twenty-eighth.—To regulate the entrances to and exits from theaters, lecture rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, benches, stools or other obstacles in the aisles of such buildings; also to ordain regulations for the construction or alteration of any classes of buildings where deemed necessary for the safety of persons, in cases of fire or otherwise. Exits to theaters, etc.

Twenty-ninth.—To regulate and control the construction and maintenance of, and to grant the right to construct and maintain, subject to control by the Board, pipes, tubes, conduits, signal bells, warning signs, wires and other electric, telegraph and mechanical appliances, in, along, over, under and across the streets; *provided*, that said appliances shall be so constructed and placed as not to interfere with the fire alarm system, nor with the extinguishing of fires, nor with the free use of the sidewalks and streets. Also to require railroad companies either to station flagmen or to place sufficient warning signals or signal bells on such street crossings as may, Alterations.

in the judgment of the Board, be necessary. Conduits, etc.

Railroad signals.

Railroad crossings, etc.

Street crossings, etc.

Franchises to lay tracks, etc.

Publication of notice

Term of franchise.

Conditions.

Publication.

Fares.

Other regulations and restrictions.

Percentage of gross receipts.

To construct, or require any railroad corporation operating a railroad in or through the city, to construct all necessary and convenient crossings or bridges over or under such railroad tracks, and according to plans and specifications and directions therefor provided by resolution or ordinance of the Board of Trustees; and to require to be opened and maintained by any railroad company or corporation operating, maintaining and conducting any railroad through any portion of the city, all such street crossings as may now exist or that public convenience may require in the judgment of the Board of Trustees of said city; and, by resolution or ordinance, compel the opening of said crossings, and the maintenance and repair thereof as directed and required; and to prohibit the obstruction of any and all such crossings.

Thirtieth.—To grant franchises by ordinance permitting any person, company or corporation to lay and maintain tracks and to pass with steam railroads along, upon and across or elevated above or placed below any street of the city; *provided*, that the free use of such street shall not be unnecessarily obstructed thereby; *and provided further*, that any such franchise shall be granted only after notice published for thirty days in a daily paper published in the city, and by ordinance passed by the affirmative votes of not less than six members of the Board of Trustees. Such grants shall be without prejudice to the rights of non-consenting owners to compensation for damages.

Thirty-first.—To grant franchises by ordinance for a term not exceeding twenty-five years for any lawful public service, and when for the construction and operation of street railroads on or along the streets of the city, upon the following terms, viz.:

Whenever the Board of Trustees shall determine that a franchise to construct and operate a street railroad along and upon any of the streets of the city should be granted, it shall, after such determination, cause notice to be published for ten days in a daily newspaper published in the city, specifying the route over and along which it is determined to grant such franchise, and shall offer to grant the same to the person, company or corporation that shall agree to pay to the City of Fresno, at the expiration of five years after the franchise is granted, and thereafter semi-annually, the largest per centum of the gross receipts of such road; *provided*, that all grants or franchises for street railways shall be upon condition that single fares on such roads shall not exceed five cents, and that only such rails as are of the most approved pattern shall be made use of in the construction of the road. The Board may, in the granting of such franchise, impose such further regulations and restrictions in the use thereof as to it may appear expedient, and may also reject any and all bids, and refuse to grant any franchise for the proposed route; *provided, further*, that the Board shall not grant any franchise for the construction of a street railway except upon conditions that

at least three per cent. of the gross receipts of such railway shall be paid to the city each year after the expiration of five years from the granting of the franchise.

Thirty-second.—To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Repair of streets by railroads.

Thirty-third.—To require, upon such notice as the Board may direct, any lots or portions of lots within the city which may be covered with stagnant water a portion of the year, to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon; and to require and provide that the owners of lots fronting on any street or sidewalk of the city shall at all times keep such sidewalks free from weeds, grass and rubbish and other obstructions and to remove all rubbish and unsightly matter from their property.

Stagnant water on lots.

Grading and filling lots.

Obstructions, etc.

Thirty-fourth.—To make all needful rules to govern the official conduct and duties of all officers and employes of the city whose duties are not defined by this charter, and to impose additional duties upon those whose duties are stated; and to fix and regulate the charges and fees of all such officers where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

Rules and duties of employes.

Charges and fees.

Thirty-fifth.—To prescribe fines, forfeitures and penalties for the breach of an ordinance and for the violation of any provision of this charter; but no such fine or other pecuniary penalty, shall exceed three hundred dollars in amount and no penalty of imprisonment shall exceed ninety days, but such punishment may be by both such fine and imprisonment; *provided*, that the violation of any ordinance of said city shall constitute a misdemeanor and may be prosecuted by the authorities of said city in a criminal action in the name of the People of the State of California, or be redressed in a civil action in any court of competent jurisdiction in the name of the city, at the option of the city authorities.

Fines and penalties.

Violation of ordinance a misdemeanor.

Thirty-sixth.—To authorize the Mayor to employ, in addition to the City Attorney, an attorney at law to prosecute and defend the interest or property rights of the City of Fresno, or any question involving the rights of the inhabitants thereof in any suit pending or to be brought for or against the said city or any of its officers; and to provide for the employment and compensation of said attorney in any such suit or action, *provided* that where such compensation exceeds the sum of two hundred dollars, such employment or contract must be approved by the Board of Trustees.

Additional attorney.

Compensation.

Thirty-seventh.—To make all rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the Board of Trustees by this charter, or by general laws.

Rules and regulations.

Other regulations. Thirty-eighth.—To make and enforce all such other local, police, sanitary and other regulations as are not in conflict with the provisions of this charter, or the Constitution of this State.

Levees, waterways, etc. Thirty-ninth.—To provide for the erection and construction of necessary levees, waterways, and other structures within and without the city, where necessary to prevent the overflow of said city by water and to provide for the payment of the cost thereof.

Concerts, money for. Fortieth.—To appropriate annually a sum or sums of money not exceeding in the aggregate, one thousand dollars, for public concerts or other entertainments in the open air, which shall be free to all the public, and the dates, hours and places of which shall be under the control of the Board of Trustees.

Secret fund. Also to appropriate a sum not more than five hundred dollars annually, to be placed at the disposal of the Mayor, for use in furthering the ends of justice in such ways as to him shall seem best for the interests of the city, of which said sum no account shall be required of him.

Dairies and slaughter houses, licenses for. Forty-first.—To provide for licensing, inspecting and regulating dairies and slaughter houses, whether within or without the city, where the milk, butter, cream, cheese and meats from same are brought into said city for sale or are sold in said city, and to provide for granting licenses only on inspection; to provide for licensing and regulating venders of milk, butter, cheese, cream and meats; and to exclude dairies and slaughter houses from the city; to grant power to the Board of Health to issue such licenses.

That a new section to be numbered 28 be added to Article II of the charter, to read as follows:

Classification of ordinances in book or pamphlet form. Section 28. The Board of Trustees shall, during the year 1905, and every five years thereafter, cause to be classified and codified under appropriate heads all ordinances then in force, and provide for the publication thereof in book or pamphlet form, together with the charter; no other publication shall be required. The Board of Trustees shall also, at the end of each year, except the years aforesaid, cause to be published in pamphlet form, all ordinances passed or amended during such year and then in force.

Ordinances revised and amended. When such ordinances are so classified and codified as above provided, it shall be lawful for the Board of Trustees to revise and amend the same and to pass or adopt the whole as amended, as one or more ordinances, and no other publication other than such book or pamphlet shall be required. Every officer shall be entitled to one copy of all such books or pamphlets, and a sufficient number shall be published for general distribution in the city.

Copies of. That section 33 of the charter be amended to read as follows:

Mayor to sign contracts and warrants. Section 33. The Mayor shall sign in behalf of the city, all written contracts approved by him. All written contracts to which the city is a party shall be executed in duplicate, and one copy delivered to the other contracting party, and the



other filed in the office of the City Clerk. The Mayor shall sign all warrants except for salaries, ordered by the Board of Trustees, unless the order shall be disapproved by him, in which case like proceedings with like effect, as near as may be, shall be had as in case of contracts disapproved by him, as provided in section 26 of this charter.

That section 37 of the charter be amended to read as follows:

Section 37. During the temporary absence or disability of the Mayor, the Board of Trustees shall elect one of its members to act as Mayor pro tem., in like conditions during his term of office, who shall, after taking the oath as such, perform the duties of Mayor during such times.

Disability of mayor.

When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Board of Trustees by the election of a duly qualified person other than a member of such Board of Trustees.

Vacancy.

That section 38 of the charter be amended to read as follows:

Section 38. The Mayor, by and with the consent of the Board of Trustees, shall, in writing, appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law. When a nomination is made to the Board of Trustees, it shall be confirmed or rejected not later than the next regular meeting thereof; and in case the officer nominated is not confirmed, the Mayor shall, within ten days thereafter, nominate another, and may continue doing so until the place is filled.

Mayor to appoint officers.

Confirmation, etc.

No member of the Board of Trustees shall ever suggest or request the appointment of, appoint or nominate any officer, clerk or employé to any place in the city government, except to fill a vacancy in the office of Mayor or City Clerk, and necessary election officers.

Appointment not to be suggested, etc.

That section 42 of the charter be amended to read as follows:

Section 42. He shall, on the first Monday of each month, or oftener if required, report in writing to the Mayor and Board of Trustees, the condition of each fund in the treasury. He shall make a semi-annual report to the same, showing the sources from which the city's revenues are derived, and the amount paid into the treasury from each source, and the amount expended, and for what purpose. He shall state in such report, separately, the revenues derived from licenses authorized by the charter and so separately, of every other source of revenue, or money paid the city. He shall set forth in the proper book, a plain and businesslike statement of every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and each fund thereof.

Treasurer to make reports, etc.

He shall audit all claims for salaries of officers and employés of the city, except as otherwise in this charter provided, and shall draw and sign warrants for amounts legally due on the same, and all warrants finally ordered by the Board of Trustees; he shall number and mark filed every claim properly presented for allowance, with the date of fil-

Claims to be audited and warrants signed.

Claims marked and referred.

ing, and refer the same to the Board of Trustees at its next session for its examination by committee or otherwise, and for its approval or rejection.

Fund drawn upon to be designated, etc.

He shall designate and draw upon the proper fund for the payment of the same as ordered by the Board of Trustees; he must number all warrants consecutively in the order allowed and drawn, with the date, amount, and to whom payable, and the same shall be entitled to payment in the same order as allowed and drawn.

Itemized demands.

Every demand against the city treasury, except for salaries of city officers and employés, and except upon bonds, and coupons for interest, must be itemized, specifying the goods furnished, the service performed, or other basis of the claim, giving the date and amount of each item, and by whom ordered, and the amount of the claim, and must be verified by the oath of the claimant or some one for him having knowledge thereof, to the effect that such claim is justly and wholly due and unpaid, and that each item thereof has accrued within one year next before its presentation for payment; and no claim or demand or any part thereof shall be allowed or paid unless so presented within one year next after it became due; and such allowance and payment, whether of the whole or a part of the amount claimed, shall be in full payment of the demand presented; *provided, however,* that any person whose claim has been properly presented within one year, and has been rejected, shall have the right to bring a suit thereon against the city within ninety days from the date of such rejection; otherwise such claim shall be barred; and any claim presented for allowance may, at the option of claimant, be deemed rejected if not acted on within ninety days.

Allowance of claim or demand.

Suit on rejected claim, time for.

No demand shall be allowed or paid by any board or officer unless payment thereof from the city treasury is authorized by law; nor shall any demand be so allowed or paid in favor of any person or his assigns, who is indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any person having the care, custody or control of public funds, unless the accounts of such persons have been presented, passed upon, and approved, as is or may be required by law; nor in favor of any officer or his assigns, who has failed to do any duty imposed upon him by law as such officer, or who withholds from the proper demand and custody of the city, any of its property.

Authorization for allowing and paying demands.

That section 44 of the charter be amended to read as follows:

License collector bond and duties.

Section 44. There shall be a license collector, appointed by the Mayor with the consent of the Board of Trustees, who shall give bond to the city in such amount as shall be prescribed by the Board, and with such sureties as shall be approved by the Mayor. It shall be his duty to receive and collect all city license taxes and charges, and all such money due the city not otherwise provided for, as the Board of Trustees may by ordinance direct, and pay the same over to the treasurer weekly. The time and manner of the collection of license taxes may be provided for by the Board of Trustees.

That section 45 of the charter be amended to read as follows:

Section 45. Whenever any person required by any city ordinance to take out a license shall fail, neglect or refuse to take out such license and pay therefor at the time and in the manner in such ordinance provided, or if any person required to take out any license shall transact, do or carry on any business, trade or occupation, without first having procured the requisite license for such business, trade or occupation, the License Collector shall report such delinquent to the City Attorney, who shall at once bring suit in the name of the city against the delinquent, and in such case the License Collector or City Attorney may make the necessary affidavit, as in other cases, for an attachment, and a writ of attachment shall issue, upon the filing of the affidavit, against the property of such delinquent, without an undertaking being filed by or on behalf of the city; and in such action the sum of fifteen dollars—ten dollars of which shall be paid to the City Attorney for services in prosecuting such action, and five dollars to the License Collector for reporting the same—shall be included in the judgment as liquidated damages, together with the original debt and costs of the action; *provided, however,* nothing in this section shall authorize the Court, officer or any other person whomsoever, to make any claim or charge against the city for any services rendered in or about any such action; *and provided further,* that in any such suit, no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever unless the same be recovered as costs from the defendant; *provided further,* that any person who shall commence or continue to do, transact or carry on any business, trade, profession or calling, for which a license may by any ordinance be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding three hundred dollars or imprisoned not more than ninety days, or be punished by both such fine and imprisonment. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license unless he either produce it or prove that he did procure it; but he may plead in bar of the criminal action a recovery against him and the payment by him, in a civil suit or action, of the proper license money, damages and costs.

Failure to secure license.

Suit against delinquent.

Judgment.

Witness fees.

Fine and imprisonment.

Pleadings.

That the charter be amended by repealing section 49 thereof.

Repealed.

That section 50 of the charter be amended to read as follows:

Section 50. There shall be a City Engineer, appointed by the Mayor subject to confirmation by the Board of Trustees, and to hold office at the pleasure of the Mayor. He shall be a competent surveyor and civil engineer, who shall have had not less than three years experience as such.

City engineer.

That section 51 of the charter be amended to read as follows:

Duties of  
city  
engineer.

Section 51. It shall be his duty to perform all surveying and civil engineering required in the prosecution of the public works and improvements of the city, and to certify to the progress and completion of the same.

That section 52 of the charter be amended to read as follows:

Inspection  
of plans,  
etc.

Section 52. He shall, together with the Plumbing Inspector and Chief of the Fire Department, inspect all plans and specifications of all contemplated buildings, repairs or improvements of buildings within the city, when required by the building ordinances of said city, and if found to conform to the requirements of the ordinances, he shall, with them, sign a permit for the erection of the same. He shall examine and see that all the buildings and the fixtures thereof, balconies, porches, awnings and signs, except as aforesaid, are constructed in a safe and substantial manner, according to the ordinances and shall report to the Mayor any failures in those respects.

Examina-  
tion of  
buildings,  
etc.

That section 53 of the charter be amended to read as follows:

Written  
notice to  
owner or  
architect.

Section 53. If, upon examination of plans and specifications, it be found by the said Engineer, or Plumbing Inspector, or Chief of the Fire Department, that they do not conform to the requirements of the law, they shall give written notice to the owner or architect designing them, specifying the points of variance therefrom. The City Engineer shall inspect the works of construction of all such structures as are permitted from time to time, and upon discovery of any variance from the plans or specifications as permitted, he shall order the unlawful work stopped and at once make report thereof to the Mayor.

Variance  
from  
plans, etc.

That section 54 of the charter be amended to read as follows:

Monthly  
reports.

Section 54. He shall make monthly reports to the Board of Trustees of the plans, specifications and structures examined, and the results thereof, and of all variations from, or violations of the law respecting the same.

That section 55 of the charter be amended to read as follows:

Other  
duties.

Section 55. He shall do such other work pertaining to his profession as he may be directed to do by the Board of Trustees or by any general law of the State of California. He shall keep a public office within the city, as provided by the Board of Trustees, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference; also all copies of plans and specifications for buildings, structures, improvements or repairs presented to him for permits, with a statement of the location of each, made of record, and numbered as filed. All such records, maps, plats, surveys, certificates, plans, specifications and monuments as filed or recorded, shall be the property of the city, and shall be by him turned over to his successor in office.

Office and  
records.

Records,  
etc.,  
property  
of city.

That section 56 of the charter be amended to read as follows:

City  
attorney.

Section 56. There shall be a City Attorney who shall be appointed by the Mayor, by and with the consent of the

Board of Trustees, who shall be an attorney at law, admitted to practice by the Supreme Court of this state. It shall be his duty to prosecute on behalf of the people, all cases before the Police Court for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; *provided*, the Mayor and Board of Trustees shall have control of all litigation of the city, and may direct an attorney, selected by the Mayor, to take charge thereof, or to assist the City Attorney therein. The City Attorney shall give his advice or opinion in writing to the Mayor, Board of Trustees or other city officers, whenever required to do so, and do such other things appertaining to his office as by the Board of Trustees or Mayor may be required of him. He shall pass upon the validity of all bonds given to and all contracts made with the city. He shall, when required by the Board of Trustees or any member thereof, draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city; and attend all meetings of the Board of Trustees when requested by the Mayor, or as required by ordinance.

Duties of.

Additional attorney.

Advice and opinion of city attorney.

Other duties.

That Article V of the charter be amended by substituting the words "Public Works" as the title thereof, in place of the words "Department of Public Works."

Title of Article V.

That section 80 of the charter be amended to read as follows:

Section 80. The Board of Trustees shall, except as otherwise provided in this charter, take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives and property belonging to said city, heretofore kept by or in the offices of the City Surveyor or Superintendent of Streets, or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

Board of trustees custodian of property.

That section 82 of the charter be amended to read as follows:

Section 82. All public work authorized by the Board of Trustees to be done, and not within the provisions of the general law of the State of California operating thereon, and all materials and supplies to be furnished for public use, shall be done and furnished under written contract, except as hereinafter provided. Before awarding any such contract for doing any work or furnishing any materials or supplies for the city, the Board shall cause notice to be posted conspicuously in its office and published not less than ten days in a newspaper published in the city, inviting sealed proposals for the contemplated work or materials or supplies, and in case the estimated cost of the same exceed five thousand dollars, to be so posted and published for not less than twenty days; except that any repair or improvement or materials or supplies not exceeding an estimated cost of three hundred dollars may be made by the Board of Trustees under written contract, or otherwise, with-

Written contract, work under.

Publication of notice.

Exceptions.

out advertising for sealed proposals, but no piece of repair work or improvement, or bill of materials or supplies or labor shall under any circumstances be subdivided for the purpose of bringing the estimated cost within the limit herein provided; *provided, however*, that should there be imminent danger to the city from inundation, the Board may, in its discretion, contract for the immediate construction or repair of levees without such notice, posting or publication. *Provided, further*, that the Board of Trustees may contract for the publication of notices, ordinances and resolutions, and for all public printing, on the best terms obtainable, with or without advertising for proposals, as they deem most conducive to the public interest. The words "materials and supplies" as used in this section shall include implements and machinery.

That section 86 of the charter be amended to read as follows:

City  
attorney  
to draw  
contracts;  
con-  
tents of.

Modifica-  
tion of  
plans, etc.

Contracts  
in  
duplicate.

Bond of  
contractor.

Qualifica-  
tions of  
sureties.

Contract,  
time and  
exten-  
sion of.

Failure of  
contractor.

Section 86. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quality or quantity of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a unanimous vote of the Board of Trustees. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Clerk, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the City Clerk, a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank located in this State for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or the materials furnished, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The Board of Trustees may extend said time, but in no event for more than ninety (90) days beyond the time originally fixed for its completion, except by the unanimous consent of the Board of Trustees. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as herein provided, his contract shall be void, and the Board of Trustees shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as in the judgment of the Board of Trustees, the work

done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same.

That section 87 of the charter be amended to read as follows:

Section 87. The Board of Trustees is hereby authorized to adopt, establish and maintain a system of levees, canals and drainage, and to repair, maintain, construct and control all levees, canals and outfall sewers and other works necessary to the protection and safety of the city. The purposes for which any and all of the works in this section mentioned are or may be constructed are hereby declared public uses, and the City of Fresno is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; *provided, however,* no system or plan for any of the work in this section authorized to be performed shall be followed by construction thereof where the expenditure thereon in any year shall exceed the income and revenue provided for such year, without compliance with the requirements of Article VIII of this charter.

Levees and canals, maintenance of.

Public uses and condemnation.

Expenditure limited.

That Article VI of the charter be amended by amending sections 90, 91, 93, 94 and 96 included therein, and by repealing section 92 and by adding a new section to be numbered 101.

That section 90 of said charter be amended to read as follows:

Section 90. It is hereby declared to be the purpose and intention of the People of the City of Fresno that such public utilities as shall be deemed best for the interest of the people shall be acquired and owned by the city.

Public utilities, ownership of.

That section 91 of the charter be amended to read as follows:

Section 91. The Board of Trustees may, by the affirmative vote of at least six members, and shall, upon petition therefor signed by a number of the qualified electors of said city not less than thirty-five per cent of the number voting at the last general election in the city—and so ascertained by the Board of Trustees from satisfactory affidavits—submit by ordinance to the qualified electors of the city, at a special election thereby called for the purpose, a plan for the acquisition of one or more public utilities, and its adoption and the issuance of bonds of the city for the payment therefor. The provisions hereof shall apply to the acquisition of water works, electric light or other works for illuminating and for power, gas works, local telegraph or telephone works, street railroads, or other public utilities.

Submission of plan to acquire public utilities; issuance of bonds.

That section 92 of Article VI of said charter be repealed.

Repealed.

That section 93 of Article VI of the charter be amended to read as follows:

Section 93. Before formulating or submitting any plan for the acquisition of any public utility, the Board of Trustees shall cause to be ascertained and made an estimate of the probable cost of the purchase and establishment thereof, if such utility can be purchased; or, if it can not be purchased,

Cost of utility to be ascertained.

Purchase, condemnation, and construction.

then the cost of its condemnation; and full estimates of the construction of such utility, if it can not be purchased; and the plan which the Board of Trustees shall determine to be for the best interest of the city shall be submitted to a vote of the qualified electors, as set forth in section 94 of this charter.

That section 94 of the charter and of said Article VI be amended to read as follows:

Election for acquisition of utilities.

Section 94. The ordinance calling such election shall contain a statement of the plan adopted and proposed for the acquisition of such public utility or utilities, naming the same, the estimated cost or price thereof, and shall otherwise conform to the provisions of this charter concerning elections for the incurring of bonded indebtedness, and the law for holding elections therefor. No question other than the acquisition of such public utilities or utility upon the plan proposed and the incurring of the bonded indebtedness therefor shall be submitted at such election.

Questions proposed.

That said Article VI of the charter be further amended as follows:

That section 96 of the charter be amended to read as follows:

Indebtedness to be incurred.

Section 96. No indebtedness shall be incurred under this or any other provision of this charter which, together with the existing indebtedness shall exceed ten per centum of the assessed value of all the real and personal property of the city as shown by the last assessment roll.

That a new section be added, amending the charter, to be numbered 101 and to read as follows:

Trustees to create boards and officers.

Section 101. In the event of the determination by the electors herein provided for, to acquire one or more public utilities, the Board of Trustees shall have power to create such boards and officers as may be needed to carry out the purposes of ownership by the city of such public utilities as may be acquired.

Sections repealed.

That sections 95 and 97 of Article VI of said charter be repealed.

That section 110 of Article VII of the charter be amended to read as follows:

Taxes, rate and levy of.

Section 110. The Board of Trustees shall by resolution on or before the first Monday of September in each year, fix the rate of city taxes, designating the number of cents on each hundred dollars of property levied for each fund, and shall levy the city taxes upon the taxable property therein.

That the charter be amended by the addition to Article VII thereof, of a section to be numbered and to read as follows:

Revenues apportioned.

Section 112. The revenues of the city shall be apportioned by the treasurer, as paid in, to the respective funds to which they belong, as far as possible; and there is hereby established the following named funds, to wit: Bond Fund, Street Fund, Sewer Fund, Police Fund, Fire Fund, Public Light Fund, Library Fund, Park Fund, a General Fund, and such others as the Board of Trustees may prescribe. All sums

Funds.



which the treasurer can not identify, or which shall not be directed to a particular fund by the City Clerk, shall be apportioned to the general fund.

The revenue derived from licenses, license taxes and business or trades taxed, shall be applied by the treasurer to the various funds as other moneys collected from taxes.

Treasurer to apply funds.

It shall not be lawful to transfer money from one fund to another, or use the money in the bond fund otherwise than in payment of the principal or interest of the bonded indebtedness; *provided, however*, that in case of urgent need, money may be transferred from the general fund to another fund sufficient to supply the need, by way of loan to such fund, the general fund to be reimbursed from such special fund as soon as sums sufficient for that purpose have been placed to its credit.

Transfer of money from one fund to another.

At the end of each fiscal year, all money remaining in any particular fund, except the bond fund, park fund and library fund, shall be by the treasurer, upon the order of the city clerk, transferred to the general fund, the clerk carefully noting the amount thereof, and the fund from which transferred so that the same may be identified.

General fund, transfer of money to.

That section 120 of the charter be amended to read as follows:

Section 120. In proceedings for the acquisition of public utilities, and whenever the Board of Trustees shall determine by the affirmative vote of not less than six members thereof that the public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in addition to the other expenses of the city, will exceed the income and revenue provided for the city for any one year, they must, by ordinance, submit a proposition to incur a bonded indebtedness for such purpose to the electors of the city, at an election to be held for that purpose. Such ordinance shall specify the purpose for which the proposed indebtedness is to be incurred, the estimated cost of the building, improvement or utility, the amount of the proposed bonded indebtedness, the number and character of the bonds to be issued, and the rate of interest thereon.

Bonded indebtedness for improvements to be submitted to electors.

Ordinance to specify purposes.

That a new section be added to Article VIII of the charter, to be numbered section 121, and to read as follows:

Section 121. The ordinance required by section 120 calling such special election shall fix a day on which such election shall be held, state the manner of holding the same, and of voting for or against incurring such indebtedness. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days a week in said city, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week; and no other notice of the election need be given.

Day of election, etc.

Publication.

Manner of holding election.

Such election shall be held in the manner provided by law for holding elections in the city, and the assent of two thirds of the qualified electors voting thereon at such election shall be necessary to authorize the issuance of such bonds for such purpose.

That a new section be added to Article VIII of the charter, to be numbered section 122, and to read as follows:

Serial bonds.

Section 122. The bonds issued under the provisions of this article, or under any other provision of this charter, shall be of the character known as serial bonds, and shall be payable in such lawful money of the United States as shall be determined by the Board of Trustees at or before their issue.

Paying of indebtedness.

Not less than one fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day to be fixed by the Board of Trustees, together with the interest on all sums unpaid at such date. The bonds so issued shall be in denominations not exceeding five hundred dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts. Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed five per centum per annum, payable semi-annually.

Bonds, denomination of.

Paying of bonds.

Sale of bonds.

Such bonds, when issued may be sold by the Board of Trustees from time to time as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States, as aforesaid, to the highest bidder, at not less than par, after having been advertised in such newspaper and in such other manner as the Board of Trustees may elect; *provided*, that such sale of bonds shall be advertised in some newspaper of general circulation published in said city, for at least thirty days. They shall be sold under sealed proposals, and the Board of Trustees shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sale shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund.

Publication, proposals, bids.

Proceeds, application of.

That section 98 of the charter be transferred and added to Article VIII of the charter, and be amended by renumbering and otherwise amending the same so as to be known as section 123 of said charter, and to read as follows:

Bonds to be signed by mayor and treasurer, etc.

Section 123. Such bonds shall be signed by the Mayor and by the Treasurer, and shall be countersigned by the City Clerk. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer, and no warrant need be issued therefor.

That section 99 of the charter be transferred and added to Article VIII thereof, and be amended by renumbering the

same so as to be known as section 124 of said charter and otherwise amended so as to read as follows:

Section 124. At the time of levying the municipal tax and in the manner provided for such tax levy, the Board of Trustees shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

Tax levy and interest on bonds.

That section 100 of the charter be transferred and added to Article VIII thereof, and be amended by renumbering the same so as to be known as section 125 of said charter, and otherwise amended so as to read as follows:

Section 125. A neglect or refusal on the part of the Board of Trustees, or any member thereof, to comply with the provisions of Articles VI, VII or VIII of this charter, imposing duties on them, shall constitute cause for removal from office.

Neglect or refusal of board of trustees.

That section 130, Article IX of the charter, be amended to read as follows:

Section 130. The government of the public schools of the City of Fresno, including the whole of the City of Fresno school district, shall be vested in the Board of Education, to consist of five members to be called school directors, and who shall receive no compensation, who shall be elected at the same time and for the same term of office as the members of the Board of Trustees.

Public schools and board of education.

That said article of the charter be amended further in this, that sections 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 thereof be repealed.

Sections repealed.

That the charter be amended by adding to Article IX thereof a new section to be numbered 131 and to read as follows:

Section 131. The members of the board shall be elected from the City of Fresno school district and by the vote of the whole extent thereof, and the five persons receiving the highest number of votes therefor shall be declared elected; *provided*, that the part of said district lying outside the city limits shall be laid off by the Board of Trustees into one or more election precincts, for all school purposes; and at such elections, the qualified electors shall vote in the election precinct of their residence only.

School board, how elected.

That said Article IX of said charter be amended by the addition thereto of a new section, to be numbered and known as section 132 of said charter, and to read as follows:

Section 132. The Fresno City High School is hereby recognized as an established institution, and the law governing the Board of Education in reference thereto shall be such as is now or may at any time be in force as the general law of the state in such case provided, and the duties of the Board and of the Board of Trustees respecting estimates and levying taxes therefor shall be as by such law prescribed.

High school.

That section 160 of the charter be amended to read as follows:

Board of health.

Section 160. There shall be a health department under the management of the Board of Health. Said board shall consist of five members who shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The Board of Health shall select one of their number as president, who shall act as such for one year. Each member shall be a duly licensed physician in accordance with the laws of the state. They shall receive no compensation for their services, and their term of office shall be until the next regular election and qualification of city officers, and until their successors are appointed and qualified.

Qualifications.

Compensation and term.

That section 169 of the charter be amended to read as follows:

Contagious diseases.

Section 169. When a case of contagious disease is reported to the health officer, he shall visit the premises where the person is, and when satisfied that said disease exists, he shall place a yellow flag or printed sign on said premises, which shall remain during the continuance of the disease.

That section 174 of the charter be amended to read as follows:

Oaths, administration of.

Section 174. Each member of the Board of Health, and the city physician, may administer oaths on any matter connected with the health department.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as section 175 of said charter, and to read as follows:

Plumbing inspector.

Section 175. There shall be appointed by the Board of Health a plumbing inspector, who shall be ex-officio sanitary inspector. Such plumbing inspector shall be a practical plumber, and shall possess such other qualifications as may be required by such Board of Health, and discharge such duties as may be required by the rules thereof or by ordinance, and as required by this charter.

Qualifications.

Sanitary inspector, duties of.

As sanitary inspector, he shall diligently inspect and examine, under the direction of the Board of Health, all alleys, offensive privies, vaults, cesspools, nuisances and places suspected of being in unsanitary condition, and report all places in unsanitary condition to the city physician, within twenty-four hours after discovery of the same. He shall wear an appropriate badge of office, prescribed by the Board of Health, and shall, upon his exhibition thereof, have the right of inspection of all places in the city, and as directed by said board.

Official bond, and salary.

He shall execute an official bond to the City of Fresno to be approved by the Mayor, in such amount as shall be fixed by the Board of Trustees of said city, and receive such salary as plumbing inspector and sanitary inspector, as the Board of Trustees shall fix.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as section 176 of said charter, and to read as follows:

Section 176. He shall act as inspector of plumbing, and the plans and specifications of all contemplated buildings, improvements, repairs and alterations thereof within the city, in so far as related to plumbing work, and as affected by the rules and regulations of the Board of Health, shall be submitted to him for his examination and report; he shall number and file the same (except such as are required to be filed by the city engineer), with the date of filing, and record the names of the owner and architect, and the location of the proposed work:

Plumbing inspector to examine plans and specifications, etc.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as section 177 of said charter, and to read as follows:

Section 177. He shall examine such plans and specifications, and if in accordance with the rules and regulations of the board, he shall, in conjunction with such other officer as may be required by law to do so, sign a permit for the work to go on; otherwise, he shall give written notice to the party presenting them, explaining the corrections necessary to compliance therewith.

Permit for work signed by inspector.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as section 178 of said charter, and to read as follows:

Section 178. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work, he shall examine the same, and if found to conform to the rules of the board of health and the plans and specifications filed, he shall issue a final certificate.

Certificate for work done issued by inspector.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as section 179 of the charter, and to read as follows:

Section 179. He shall make a monthly report to the board of health of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as shall be required by the board of health. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the board of health.

Report of inspector.

That Article XI of the charter be amended by adding another chapter thereto next after section 188 of said charter, to be entitled "Chapter II," and entitled "Public Parks," and containing ten new sections to be numbered and known as sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of said charter, and to read as follows:

Public parks.

Section 190. The several tracts of land belonging to or controlled by the city, or which may hereafter be acquired by the city, for park purposes, shall be managed and controlled by a board of five commissioners, which shall be called the Board of Park Commissioners.

Park commissioners.

Ex-officio members.

Section 191. The Mayor and City Engineer shall be ex-officio members of said board, and the three remaining commissioners shall be appointed by the Mayor, subject to confirmation by the Board of Trustees, and shall hold office until the next succeeding city officers are elected and qualified, and until their successors are appointed and qualified.

President of board.

Section 192. The Mayor shall be president of said board, and the board shall elect a secretary who may be one of the appointed members of said board and may receive a salary of not more than twenty-five dollars per month; the members of said board as such shall serve without compensation.

Secretary.

Meetings.

The board shall hold regular monthly meetings at such time and place as it may determine; and special meetings may be called at any time by the president or by two members of the board. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings, and shall cause a record of such proceedings, and all plans and other documents pertaining to the work of said board, to be kept by its secretary under its direction.

Quorum, proceedings, etc

Powers of park commissioners.

Section 193. Such board of park commissioners shall have full power and authority to manage, control and govern the parks of the city, and to direct the maintenance and improvement thereof. Where not already provided, it shall cause to be prepared and adopt general plans for the permanent improvement of such parks, and necessary changes in such plans; cause the parks to be properly laid out in accordance with such plans, and planted with suitable trees, shrubs and flowers, and the same to be cared for, cultivated and preserved.

Employés; duties, compensation, bonds.

It shall engage and discharge all persons employed in or about the city's parks, prescribe their powers and duties, and fix their compensation, and require bonds of such employés as it may deem proper, for the faithful discharge of their duties. It shall supervise and control the expenditure of all money in the park fund of the treasury, and shall order payment therefrom on warrant signed by the president and secretary. It shall adopt such rules and regulations as it may deem proper to govern the use of grounds under its supervision and control, and for the protection of the property thereon. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the provisions of this chapter, and to maintain, beautify and improve the city's public parks.

Expenditure of money.

Rules and regulations.

Lease of parts of park.

Section 194. Said board shall have power to lease unimproved parts of any park under its control, for terms not exceeding one year, until the grounds so leased are required for improvement or public use. The moneys realized from such leases shall be paid into the treasury and be added to the park fund.

City prisoners to work.

Section 195. Said board may, upon its requisition and with the consent of the Board of Trustees, put city prisoners to work upon the parks and grounds under its control.

Section 196. Said Board of Park Commissioners may accept suitable articles for the use or adornment of such parks, and cause such articles to be placed therein. It is hereby authorized and empowered to accept and receive donations and aid from individuals, societies, clubs and corporations, and legacies and bequests by the last will of deceased persons, for the aid or improvement of the parks or grounds under its control; and all moneys that shall be derived from such donations, legacies or bequests, shall, unless otherwise provided by such gift, bequest or legacy, be deposited in the treasury to the credit of the park fund, and paid out on warrants as provided for the payment of other moneys of such fund; *provided, however*, that if the moneys derived from such gifts, legacies or bequests be not needed for immediate use for the purpose for which they are received, or if it be deemed advisable by said board to use them as a permanent endowment fund for such purposes, said board is hereby authorized to invest said moneys or any part thereof in interest-bearing bonds of the United States, or of the State of California, or approved municipal or school district bonds of the State of California—preferably bonds of the City of Fresno—and thereafter to sell and dispose of said bonds or change the investment, as to the board shall seem best.

Adornment and donations.

Investment and disposition of money.

Section 197. The Board of Park Commissioners shall, annually, on the first Monday in July, present to the Board of Trustees a full report and statement of its proceedings for the past fiscal year, containing an itemized account of all moneys received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year; *provided*, that it may exclude from such estimate all moneys received by it as provided in the preceding section.

Report of park commissioners.

Estimates.

Section 198. The Board of Trustees shall annually include in the general tax levy a tax of not less than three nor more than ten cents upon each one hundred dollars in valuation of property appearing upon the assessment roll, for the maintenance and improvement of its parks. Such tax, when collected, shall be paid into the treasury to the credit of the park fund, and shall be used and paid out only for the benefit of the city's parks. Said Board of Park Commissioners shall not in any fiscal year contract any debt in excess of the money on hand in such fund, or provided for by the tax levy for such year.

Tax levy.

Deposit of funds.

Section 199. The Board of Trustees shall, by ordinance, provide for carrying into effect the powers herein granted to the Board of Park Commissioners, and enforcing such orders as it may make concerning the use of the parks and the preservation of the park property; and the police power of this city shall extend over such parks, whether without or within the city.

Enforcement of orders, etc.

That section 220 of Article XIV of said charter be amended to read as follows:

Salary of  
board of  
trustees.

Section 220. Each member of the Board of Trustees shall receive a salary of three hundred dollars per annum, payable monthly in equal installments, but there shall be deducted therefrom the sum of ten dollars for each and every regular meeting of the board which he shall fail to attend; *provided*, that if a member is absent on business of the city by permission of the Mayor, no deduction shall be made on account of such absence.

That section 221 of said charter be amended to read as follows:

Compensation of  
other  
officers and  
employés.

Section 221. The compensation of other officers and employés of the city per annum shall be as follows, payable in monthly installments:

Mayor, fifteen hundred dollars; city attorney, fifteen hundred dollars, and as herein provided; city clerk, fifteen hundred dollars, and one deputy clerk (to be paid by the city), ten hundred eighty dollars; superintendent of streets, fifteen hundred dollars, and one deputy superintendent of streets (to be paid by the city), nine hundred dollars; chief of police, fifteen hundred dollars; chief of fire department, fifteen hundred dollars, which shall also be in full compensation as fire marshal; license collector, ten hundred eighty dollars; police judge, three hundred dollars, and such fees as are allowed by law in civil actions, and such compensation in prosecutions under the state law as are allowed or may from time to time be allowed justices of the peace in the township in which said city is situated. Such salaries shall be in full compensation for all services rendered.

Compensation of  
other  
officers,  
how fixed.

The compensation of all the officers and employés of the city not in this charter specified shall be fixed by the Board of Trustees; *provided*, that no increase of salaries provided for in sections 220 and 221 shall take effect until the qualification of officers elected in April, 1905.

That Article XI of the charter be amended by adding to the words "Article XI" the words "Chapter I," and by amending section 180 of the charter to read as follows:

Library  
trustees.

Section 180. The Free Library shall be under the control and management of five trustees, who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The office of library trustee shall be honorary, and the members thereof shall serve without salary or compensation except that a reasonable compensation may be paid the secretary; any person, male or female, over the age of twenty-one years, who is a citizen of the United States and of this state, and a resident of the city, shall be eligible to the office of library trustee.

Appointment and  
salary.

Qualifications.

Term.

The term of office of library trustees shall be until the next succeeding city officers are elected and qualified, and until their successors are appointed and qualified.



That Article XIII of the charter be amended by amending the title thereof so as to read as follows:

OF CITY OFFICERS AND OFFICIAL BONDS.

That section 210 of the charter be amended to read as follows:

Section 210. All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company, *provided* that the premium charged shall not exceed a rate of 50 cents on the \$100 for each year; *provided*, that the premium on any single bond may not be less than five dollars, which premium shall be paid by the city.

Bonds  
of city  
officers.

That section 211 of the charter, be amended to read as follows:

Section 211. In case the premium should be in excess of said rate, then a bond may be given with personal sureties. All official bonds shall be approved by the Mayor, except that the official bond of the Mayor shall be approved by the Board of Trustees. All official bonds shall be made payable to the City of Fresno.

Premium  
on official  
bonds.  
Approval  
of bonds.

That section 212 of the charter be repealed.

Repealed.

That the charter be amended by adding thereto a new section, under Article XIII thereof, to be numbered and known as section 212 of said charter, and to read as follows:

Section 212. Besides the various appointive boards provided for by this charter, the regular officers of the city shall be as follows:

Regular  
city  
officers.

Mayor, members of the Board of Trustees, members of the board of education, city clerk, city attorney, judge of the police court, chief of police, chief of the fire department, city engineer, superintendent of streets, license collector, city physician, plumbing inspector (who shall be ex-officio sanitary inspector), pound master, and such other officers as the Board of Trustees shall under this charter have power to create.

That section 230 of the charter, in Article XV thereof, be amended to read as follows:

Section 230. The police and fire departments shall be under the control and management of a board of four commissioners, selected from the qualified electors of the city, by and with the advice and consent of the Board of Trustees, and who shall hold office without compensation until after the next regular election of city officers, and until their successors are appointed and qualified. Not more than two of such commissioners shall belong to the same political party.

Police and  
fire com-  
missioners.

That section 233 of the charter be amended to read as follows:

Section 233. The secretary of the board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meeting, and giving the ayes and noes on all votes when demanded by any member. Every order or resolution shall be recorded at length, and the record

Secretary  
of board,  
duties of.

shall be approved by the board, and signed by its president. The secretary shall cause the publication of all notices herein authorized to be published, or which the board shall order to be published, and shall perform such other duties as the board may from time to time require.

That the charter be amended by adding thereto a new section, under Article XV thereof, to be numbered and known as section 244 of said charter, and to read as follows:

Chief of fire department, duties of.

Section 244. The chief of the fire department shall have the right, and it shall be his duty when required by the Board of Police and Fire Commissioners, to inspect all houses in the city; and he shall, together with the city engineer and plumbing inspector, examine all plans and specifications for buildings, repairs and improvements, when required by the building ordinances of the city, and if found to be in conformity with the law, shall sign a permit therefor; but if he finds otherwise, he shall give notice to the owner or architect of the points of variance from the requirements of law in respect to safety from fire. He shall observe the structure in progress of building from time to time, and report to the Mayor promptly any variance from the plans and specifications permitted, and shall order the work stopped until the law is complied with.

That section 250 of Article XVI be amended to read as follows:

Offices to be held, number of.

Section 250. No officer under salary, and no deputy of any city officer or employé of the city receiving pay from the city, all of whose time is required to be devoted to the duties of his office, shall hold any other public office while in the employment of or holding office under the city government, except notary public or member of the National Guard; nor shall any officer or employé of the city become a party worker or solicitor or active partisan, nor shall he solicit any funds to be used for political purposes.

Partisan-ship.

Removal.

A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

That section 252 of Article XVI of the charter be amended to read as follows:

Meaning of certain items and words.

Section 252. The word "City," whenever it occurs in this charter, means the City of Fresno; and every commission, commissioner, department, board or officer, wherever mentioned in this charter, means a commission, commissioner, department, board or officer, as the case may be, of the City of Fresno.

The word "Board," when used in relation to the legislative department of this city, means the Board of Trustees; otherwise the definitions of words as provided in section 14 of the Civil Code of the State of California, as far as applicable, are adopted as to all such words used in this charter and the ordinances thereunder.

That section 253 of Article XVI of the charter be amended to read as follows:

Section 253. No officer of the city shall absent himself from the state without the written permission of the mayor; and the mayor is authorized to issue such permits, when deemed proper by him, for a period not exceeding sixty days.

Absence  
from state.

A violation of this section by any officer of the city, shall be sufficient cause for his removal from office.

Removal.

That section 254 of Article XVI of said charter be repealed.

Repealed.

That section 267 of Article XVI of the charter be amended to read as follows:

Section 267. The mayor, city attorney, judge of the police court, city clerk, chief of police, chief of the fire department and the superintendent of streets, shall each have been a resident of the City of Fresno for at least three years next before election or appointment, and shall be, at such time, a qualified elector of the city.

Qualifica-  
tions of  
certain  
officers.

The qualifications of all other officers not by this charter prescribed shall be such as may be prescribed by ordinance.

That section 269 of Article XVI of said charter be repealed, and that a new section to be numbered 269 take the place thereof, and read as follows:

Section 269. Every executive and judicial officer of the city, except the mayor and city attorney, and every other officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish, at the end of each month, to the Board of Trustees, a full and detailed statement upon oath of all moneys received or disbursed by him, and of his other official transactions during said month. Like statements shall be made at and for such other times as the Board of Trustees may require.

Statement  
of money  
received  
and dis-  
bursed.

That Article XVI of said charter be amended by adding thereto a new section to be numbered and known as section 281, and to read as follows:

Section 281. Every officer of the City of Fresno, including chief of police and chief of fire department (excepting police officers and firemen), shall have power to administer and certify oaths in all matters relating to the business or affairs of said city, and the city clerk, city engineer, superintendent of streets and city attorney, may appoint such deputies as they see fit, who must have the same qualifications as their principals and qualify as other city officers, and such principals shall be liable on their official bonds for acts of their deputies, and all acts performed by such deputies shall be as valid and binding as if done by the principals; *provided*, that no such deputy shall receive any compensation from said city unless it is so specified in this charter.

Power to  
administer  
oaths.

Appoint-  
ment of  
deputies.

Liability of  
principal.

That a new section to be numbered 282 be added to Article XVI of said charter, to read as follows:

Section 282. *The Recall.*—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as

The re-  
call.  
Procedure  
for re-  
moval  
from office.

follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least fifty-one per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the petition sent to the board shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be all appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board without delay. If the petition shall be found to be sufficient, the Board of Trustees shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the board that a sufficient petition is filed.

The Board of Trustees shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notifica-

Signatures  
to petition.

Clerk to  
examine.

Amend-  
ments.

Election.

Publica-  
tion of  
notice.

Removals  
and  
successors.

tion of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office.

That section 205 of said charter be amended to read as follows:

Section 205. The provisions of all general laws governing elections for state, county and municipal officers, not inconsistent with the provisions of this charter are hereby adopted as the law governing city elections for city officers except that no party name or designation shall appear on the tickets and all candidates shall be designated as "independent" and the Mayor, Board of Trustees and City Clerk, respectively shall exercise the powers and perform the duties conferred or imposed on Boards of Supervisors and County Clerks concerning elections, *provided*, that a candidate for any city office can be nominated only in the manner provided by Section 1188 of the Political Code of the State of California, except that no party name or designation shall appear in the certificate and the candidates shall be designated as "independent."

General election laws to govern.

STATE OF CALIFORNIA, }  
 COUNTY OF FRESNO. } ss.

This is to certify that we, L. O. Stephens, Mayor of the City of Fresno, and C. H. Sayre, Clerk of the City of Fresno and ex-officio Clerk of the Board of Trustees of said city, have compared the following proposed and ratified amendments to the charter of said city with the original ordinances proposing such amendments and submitting the same to the electors of said city at a special election called for that purpose on Monday, the thirteenth day of February, 1905, and find that the foregoing is a full, true and correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

Certificate of mayor and clerk.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by seal of said City of Fresno, the 20th day of February, 1905.

[SEAL] L. O. STEPHENS  
 Mayor of the City of Fresno.

C. H. SAYRE  
 Clerk of said City of Fresno and ex-officio Clerk of the Board of Trustees of said city.

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring* (a majority of all the members elected to each house voting for and concurring herein), That said amendments to the charter of the City of Fresno as proposed to and adopted and ratified by the electors of said city be and

Resolution of legislature.

the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to, and as a part of the charter of the City of Fresno, in the County of Fresno, State of California.

#### CHAPTER XXIV.

##### *Senate Joint Resolution No. 10.*

[Adopted March 7, 1905.]

Resolution  
relative to  
the immi-  
gration of  
Japanese.

WHEREAS, The constantly increasing immigration of the subjects of the Japanese empire into the Pacific Coast states and territories and particularly into the State of California has become, and is now, a serious menace to the well-being and prosperity of those states and territories, and particularly to the people of California, demanding the taking of immediate steps looking to the stay thereof;

AND WHEREAS, It is well known and generally recognized and acknowledged that, among many other facts and reasons justifying an apprehension of great danger—because of the growing and threatened invasion of our state by Japanese immigrants, the following are capable of exact proof, and do exist:

I. That the Japanese laborers by reason of race, habits, mode of living, disposition, and general characteristics, are an wholly undesirable and unsatisfactory addition to the population.

II. That the Japanese laborers are debarred from naturalization, and can not, if they desired—which they do not—become citizens, and thereby exercise the privilege and responsibilities of citizenship.

III. That the Japanese laborers do not evince any inclination to assimilate with our people, or to become Americans. They remain as they come, Japanese, and possessing no regard for republican institutions continue to consider themselves subjects of the country of their nativity, and look only to the time when they may be able to return.

IV. That the Japanese immigrants now crowding to our shores are as a class, and with few exceptions, contract laborers, obligated to serve long periods of labor for small wages, and thereby, and as the result of such conditions, our communities are being filled with a servile class of laborers, which exists in a state of slavery in substance and effect, if not in name.

V. That the Japanese laborers are not hired individually but in gangs, and from a contractor who has entire control of their services, and who by the terms of the obligation under which they are brought to the country, is enabled to furnish them at such places, in such numbers, for such times, and at such wages as may be agreed between the contractor and employer.

VI. That the contractor for Japanese labor, by reason of the favorable terms of his agreement, is enabled to, and is accustomed to supply Japanese laborers wherever desired in this state at rates which do not supply a white man with the common necessities of life, much less enable him to provide for his family or to educate his children.

Resolution  
relative to  
the immi-  
gration of  
Japanese

VII. That the Japanese contract laborers have already gained control of numerous branches of industry in this state, and by reason of the low rate of wages paid for the work, have forced all white labor therefrom, and they are constantly crowding into other avenues of labor and driving our own workmen from occupations to which they have been accustomed, and from which they have heretofore gained a livelihood.

VIII. That the Japanese laborers will, within a brief period, unless their immigration be limited in some reasonable degree, occasion great distress and misery to the white laborers of the state, by depriving them of the opportunity to secure work at wages sufficient for support.

IX. That the Japanese laborers do not employ any of their savings in the building up of the communities wherein they may for a time reside. They are mere transients, coming only to do the particular work for which their contractor has agreed to furnish them, and going, at its completion, to another place, to which they have in like manner been allotted. They do not buy land for homes. They do not build or buy houses either for business or home purposes. They contribute nothing to the growth of the state. They add nothing to its wealth, and they are a blight upon the prosperity of it, and a great and impending danger to its welfare.

X. The labor troubles in Hawaii have caused great numbers of Japanese laborers such as have been hereinbefore described, to make their way to this state, there being now not less than five hundred each month landed at the port of San Francisco, and while the present rate of increase in the immigration is sufficient to justify the fears which are justly entertained, we can not but regard with the greatest sense of danger and disaster the prospect that the close of the war between Japan and Russia, will surely bring to our shores hordes, to be counted only in thousands of the discharged soldiers of the Japanese army who will crowd the state with immoral, intemperate, quarrelsome, men bound to labor for a pittance, and to subsist on a supply with which a white man can hardly sustain life.

THEREFORE:

*Resolved by the Senate the Assembly jointly:* In view of the facts and reasons aforesaid, and of many others that might be stated

That we, the representatives of the people of the State of California, do urgently and strongly ask and request, and, so far as it may be proper demand for the protection of the people of this state, and for the proper safeguarding of

Resolution  
relative to  
the immi-  
gration of  
Japanese.

their interests, that action be taken without delay by treaty or otherwise as may be most expeditious and advantageous, tending within reasonable bounds, to limit and diminish the further immigration of Japanese laborers into the United States.

That our senators and representatives in congress be, and they are hereby requested and directed to bring the matters aforesaid to the attention of the president and the department of state.

That the governor be requested to forward a copy of the foregoing preamble and of these resolutions to the president and the secretary of state.

That a copy of the foregoing preamble and resolutions be forthwith forwarded by mail to our senators and representatives and to our senator and representatives elect.

## CHAPTER XXV.

*Senate Constitutional Amendment No. 38—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered section 16½, providing for the deposit of state, county and municipal funds in national and state banks.*

[Adopted March 7, 1905.]

The legislature of the State of California, at its thirty-sixth session, commencing on the second day of January, nineteen hundred and five, two thirds of the members voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known as section sixteen and one-half of article eleven thereof, to read as follows:

Deposit  
of state,  
county,  
and  
municipa  
funds in  
national  
and state  
banks.

Section 16½. All moneys belonging to the state, or to any county or municipality within this state, may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this state or of any county, municipality or school district within this state, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited, *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks, *and provided further*, that no officer shall deposit at one time more than twenty per



cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.

### CHAPTER XXVI.

*Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, section 16 of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.*

[Adopted March 7, 1905.]

The legislature of the State of California, at its thirty-sixth session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby proposes that section sixteen of article twenty of the Constitution be amended to read as follows:

Section 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employé of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employé shall control.

Providing for legislation concerning term of officers or commissioners and certain employés.

### CHAPTER XXVII.

*Senate Joint Resolution No. 9, relative to the retention of the old Spanish names given to cities, towns and villages in this state.*

[Adopted March 7, 1905.]

WHEREAS, The citizens of this commonwealth treasure the memories connected with the traditions of its early settlement, and desire to perpetuate the monuments and names that have given local color to its history; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That it is the sense of this legislature that, as far as possible, the old Spanish names, where given to cities, towns and villages in this state should be preserved in their original forms and not changed by the government postal authorities to new names unconnected with local sentiment or tradition; and be it further

Resolution relative to the retention of old Spanish names.

*Resolved*, That the secretary of the senate be and he is hereby directed to forthwith forward an engrossed copy of these resolutions to the president and the postmaster-general of the United States.

## CHAPTER XXVIII.

*Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to section eight, article eleven, of the Constitution of the State of California, relating to charters.*

[Adopted March 8, 1905.]

Proposed constitutional amendment relative to charters.

The Legislature of the State of California at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to section eight, article eleven, of the Constitution.

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

Population.

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution, (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and super-

Freeholders.

Publication.

Submission to electors.

Approval by legislature.

sede any existing charter, (whether framed under the provisions of this section of the Constitution or not,) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall after the approval of such charter by the legislature, be made in duplicate, and deposited, one in the office of the secretary of state, and the other, after being recorded in said recorder's office shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the legislature as herein provided for the approval of the charter. Whenever fifteen per cent. of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Duplicate of charter to be deposited, where.

Amendments

Submission of amendments.

## CHAPTER XXIX.

### *Assembly Concurrent Resolution No. 24.*

[Adopted March 8, 1905.]

*Resolved by the Assembly, the Senate concurring, That the legislature adjourn sine die at twelve o'clock meridian Friday, March 10, 1905.*

Adjournment sine die.

## CHAPTER XXX.

*Assembly Concurrent Resolution No. 20, relative to the consent of the legislature to absence from the state of Assemblyman Frank J. O'Brien for a period not to exceed six months.*

[Adopted March 9, 1905.]

*Resolved by the Assembly, the Senate concurring, That the legislature of the State of California has consented, and does hereby consent, that Assemblyman Frank J. O'Brien of the eighteenth assembly district, may depart from the State*

Leave of absence of Frank J. O'Brien.

of California at any time during the remainder of his official term as assemblyman, and remain absent from the State of California for a period not to exceed six months from and immediately succeeding the time of his departure.

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CHAPTER XXXI.

*Assembly Concurrent Resolution No. 22, relative to the consent of the legislature to absence from the state of certain members of the assembly.*

[Adopted March 9, 1905.]

Leave of  
absence of  
certain  
members  
of the  
assembly.

*Resolved by the Assembly, the Senate concurring,* That the legislature of the State of California has consented, and does hereby consent, that Assemblymen F. W. Barnes of the seventy-ninth assembly district, F. A. Cromwell of the thirteenth assembly district, N. W. Thompson of the sixty-ninth assembly district, David T. Perkins of the sixty-fifth assembly district, J. B. R. Cooper of the fifty-ninth assembly district, W. M. John of the sixty-third assembly district, R. W. Jury of the fifty-third assembly district, W. A. Johnstone of the sixty-eighth assembly district, F. W. Houser of the seventy-fourth assembly district, J. W. Moore of the twenty-fourth assembly district, J. P. Transue of the seventy-third assembly district, W. F. Chandler of the sixtieth assembly district, George A. McGowan of the forty-second assembly district, C. H. McKenney of the eleventh assembly district, W. F. Gates of the seventh assembly district, F. C. Prescott of the seventy-sixth assembly district, H. S. G. McCartney of the seventy-second assembly district and John A. Goodrich of the sixty-seventh assembly district, may, and each may, depart from the State of California at any time during the remainder of their, or his, official term as assemblyman and remain absent from the State of California for a period not to exceed six months from and immediately following the time of his departure.

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CHAPTER XXXII.

*Assembly Concurrent Resolution No. 19.*

[Adopted March 9, 1905.]

Leave of  
absence of  
Judge  
John E.  
Raker.

*Resolved by the Assembly, the Senate concurring,* That leave of absence from the State of California, is hereby granted to the Honorable John E. Raker, superior judge of the county of Modoc, State of California, for six (6) months from and after the first day of June, 1905.

## CHAPTER XXXIII.

*Assembly Constitutional Amendment No. 13.—A resolution proposing to the people of the State of California an amendment to article eleven of the Constitution of the State of California, by adding a new section thereto to be numbered section thirteen and one half, of article eleven, relating to the making of public bonds payable at any place within the United States.*

[Adopted March 10, 1905.]

The legislature of the State of California at its regular session commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that article eleven of the Constitution of the State of California, be amended by adding a new section thereto to be numbered section thirteen and one half of article eleven, to read as follows:

Section 13 $\frac{1}{2}$ . Nothing in this Constitution contained shall be construed as prohibiting the state or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the state, to make said bonds payable at any place within the United States designated in said bonds.

Public bonds payable at any place within the United States.

## CHAPTER XXXIV.

*Assembly Concurrent Resolution No. 21.*

[Adopted March 10, 1905.]

*Resolved, by the Assembly of the State of California, the Senate concurring,* That a joint committee of the senate and assembly, consisting of four members, be appointed, two by the president of the senate and two by the speaker of the assembly, to examine into and report upon all matters connected with or in any way appertaining to the system of revenue and taxation in this state; and to further report such constitutional and legislative measures as may be deemed necessary to the revision and reform of said system of revenue and taxation.

Resolution relative to appointment of joint committee of senate and assembly to examine and report upon system of revenue and taxation.

*Resolved,* That said joint committee be and it hereby is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistants; and that said joint committee be and it is hereby authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the

members of said joint committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of article eight, of chapter two, title one, part three, of the Political Code of this state, relative to the "attendance and examination of witnesses before the legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the sergeant-at-arms of either the senate or the assembly is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the chairman of said joint committee, when directed to do so by the said chairman.

*Resolved*, That in the event provision is made by law for the existence of a commission for the revision and reform of the system of revenue and taxation in force in this state, of which the aforementioned committee is to be a constituent part, then and in that event, the joint committee aforesaid and the members thereof are authorized to act as, and be an integral part and portion of, said commission.

#### CHAPTER XXXV.

##### *Assembly Concurrent Resolution No. 25.*

[Adopted March 10, 1905.]

Resolution relative to the appointment of joint committee of senate and assembly to represent state at exposition to be held at Portland, Oregon.

WHEREAS, The Lewis and Clark International Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific Coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Portland, Oregon, May 11, 1905; therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring*, That, as part of such celebration, the lieutenant-governor shall appoint five members of the senate, and the speaker of the assembly shall name a like number of members of the assembly who, with the governor, the lieutenant-governor, the president pro tem. of the senate, and the speaker and the speaker pro tem. of the assembly shall represent the State of California at the time and place and the occasion mentioned;

*Resolved*, That for the purposes aforesaid, the sum of three thousand dollars, or as much as may be necessary, is hereby appropriated, one half from the contingent fund of the senate and one half from the contingent fund of the assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

## CHAPTER XXXVI.

*Assembly Concurrent Resolution No. 28.*

[Adopted March 10, 1905.]

*Resolved, by the Assembly and the Senate concurring, That* the following special joint rule be adopted:

Resolution relative to special joint rule of senate and assembly.

## SPECIAL JOINT RULE NO. 2.

After twelve o'clock midnight, Tuesday, March 7th, 1905, no assembly bills shall be passed by the assembly, except assembly bills in conference, and no senate bills shall be passed by the senate, except senate bills in conference. This special joint rule shall not apply to the general appropriation bill, the tax levy bill, or bills that have been delayed by notice of reconsideration. That no business affecting bills be transacted by either house after twelve o'clock midnight of Thursday, March 9th, 1905, and that both houses adjourn at midnight on Thursday, March 9th, 1905, until 9:30 A. M. of Friday, March 10th, 1905.

## CHAPTER XXXVII.

*Assembly Constitutional Amendment No. 11—To propose to the people of the State of California, amending section 17 of Article VI of the Constitution, relating to the judiciary.*

[Adopted March 10, 1905.]

WHEREAS, The salaries now paid to the justices of the supreme court and of the district courts of appeal are inadequate compensation for the services they are required to perform; and

Preamble.

WHEREAS, It is impracticable to change the salaries of the justices or judges of the same court, where their terms expire at different times, under the present restriction that such salary shall not be increased or diminished during the term for which they have been elected;

NOW THEREFORE, The legislature of the State of California, at its regular session commencing on the 2nd day of January, 1905, two thirds of all the members elected to each of the houses thereof voting in favor thereof, hereby proposes that Section 17 of Article VI of the Constitution of said state be amended so as to read as follows:

Section 17. The justices of the supreme court and of the district courts of appeal, and the judges of the superior courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the judges of the superior court, in all counties having but one judge, and

Salaries of justices of supreme and district courts and of judges of superior courts.

in all counties in which the terms of the judges of the superior court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. One half of the salary of each superior court judge shall be paid by the state; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly.

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#### CHAPTER XXXVIII.

*Senate Constitutional Amendment No. 14, amending sections fifteen (15) and nineteen (19) article five (5), of the Constitution, relative to the duties and salary of the lieutenant-governor.*

[Adopted March 10, 1905.]

Proposed constitutional amendment relative to duties and salary of lieutenant governor.

The legislature of the State of California, at its thirty-sixth session, commencing January second, nineteen hundred and five, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that sections fifteen (15) and nineteen (19), article five (5), of the Constitution of the State of California, be amended so as to read as follows:

Election of.

Section 15. A lieutenant-governor shall be elected at the same time and places, and in the same manner, as the governor, and his term of office and his qualifications of eligibility shall also be the same. In case of the temporary disqualification of the governor or his temporary absence from the state he shall act as governor. In case of the death or permanent disqualification of the governor he shall become governor of the state. He shall be president of the senate, but shall have only a casting vote therein. He shall be ex-officio a member of all state boards and when the senate is not in session, shall visit the state institutions receiving aid from the state, and make careful examinations of the manner in which the appropriations for the support of such institutions, and for permanent improvements, have been expended, and report the results of his examinations to the governor, to the legislature, and to any other officer, or board of officers, that the legislature may direct. The legislature may by law prescribe the manner in which such examinations shall be

Duties.



made. If the office of lieutenant-governor shall for any reason become vacant or the lieutenant-governor be disqualified or disabled from acting, the president pro tempore of the senate shall become acting lieutenant-governor and if while so acting the office of governor shall become vacant he shall become acting governor of the state and shall so act until the vacancy be filled, or the disability shall cease. The lieutenant-governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected. Vacancy.

Section 19. The governor, lieutenant-governor, secretary of state, controller, treasurer, attorney-general, surveyor-general, shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following offices for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; lieutenant-governor, four thousand dollars per annum, and traveling expenses, when he may be employed in visiting and examining state institutions receiving state aid; the secretary of state, controller, treasurer, attorney-general and surveyor-general, three thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however,* that the legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical services, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The legislature may, in its discretion, abolish the office of surveyor-general; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty. Salary.

## CHAPTER XXXIX.

### *Senate Constitutional Amendment No. 20.*

[Adopted March 10, 1905.]

The legislature of the State of California, at its thirty-sixth session, two-thirds of all the members elected to the senate and assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to section seven of article twelve of the Constitution:

Section seven of article twelve of the Constitution is hereby amended so as to read as follows:

Franchise  
or charter  
of corpora-  
tions, ex-  
tension of.

Section 7. The franchise or charter of any corporation, now or hereafter existing under the laws of this state, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two-thirds of its capital stock or by two-thirds of the members thereof. A certificate of such vote or assent shall be signed and sworn to by the president and secretary and by a majority of the directors of the corporation and filed in the office of the county clerk where the original articles of incorporation were filed, and a copy certified by such clerk shall be filed in the office of the secretary of state, who shall issue a certified copy thereof which must be filed with the county clerk of the county where the original certificate is on file; and thereupon the term of the corporation shall be extended for the period specified in such certificate.

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#### CHAPTER XL.

*Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to article nine to be known as section thirteen, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.*

[Adopted March 10, 1905.]

*Resolved by the Assembly, the Senate concurring,* That the legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes that article nine of the Constitution of the State of California be amended by adding thereto a new section, to be known as section thirteen, to read as follows:

Exemp-  
tion from  
taxation of  
property of  
Cogswell  
Polytech-  
nical  
College.

Section 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given.

## CHAPTER XLI.

*Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section nineteen of article five of said Constitution, relating to the compensation of state officers.*

[Adopted March 10, 1905.]

The legislature of the State of California, at its regular session commencing on the second day of January, A. D. nineteen hundred and five, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section nineteen of article five of the Constitution of the State of California, be amended so as to read as follows:

Section 19. The governor, lieutenant-governor, secretary of state, controller, treasurer, attorney-general, and surveyor-general shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; lieutenant-governor, the same per diem as may be provided by law for the speaker of the assembly, to be allowed only during the session of the legislature; the secretary of state, controller, treasurer, and surveyor-general, five thousand dollars each per annum, and the attorney-general, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The legislature may, in its discretion, abolish the office of surveyor-general; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Salaries of  
state  
officers.

## CHAPTER XLII.

*Assembly Concurrent Resolution No. 27—Relative to the funeral of the late Jane Lathrop Stanford.*

[Adopted March 10, 1905.]

Resolution  
relative to  
the funeral  
of Jane  
Lathrop  
Stanford.

*Resolved by the Assembly of the State of California, the Senate concurring:* That a committee of six, consisting of three assemblymen and three senators, be appointed by the speaker of the assembly and president of the senate, respectively, to represent the legislature of the State of California at the funeral of the late Jane Lathrop Stanford.

For the purpose of carrying out this resolution the sum of one hundred and twenty-five (\$125.00) dollars is hereby appropriated to be paid from the contingent fund of the assembly for the expenses of said committee.

## CHAPTER XLIII.

*Assembly Joint Resolution No. 10.*

[Adopted March 10, 1905.]

Resolution  
relative  
to the  
appoint-  
ment of  
joint com-  
mittee of  
senate and  
assembly  
to investi-  
gate cattle  
industry as  
affected by  
national  
forest  
reserves.

WHEREAS, It is the opinion of the members of the present legislature that the present management of the national forest reserves of California is working an unnecessary injury to the cattle industry, and

WHEREAS, The cattle industry is a great factor in the state's progress, and believing that more latitude should be given to the cattle-raisers of our state and that the feeding of cattle on the forest reserves will be beneficial to said forest reserves in that it will lessen the undergrowth and thereby tend to prevent forest fires; be it therefore

*Resolved,* That the assembly and senate concurring, the speaker of the assembly and the president of the senate appoint three members from their respective houses to act as a committee, or commission, to take testimony and gather necessary information touching the advisability of securing some concession for said cattlemen; that the said committee, or commission, be, and is hereby, empowered to issue subpoenas to compel the attendance of witnesses before it to investigate the conditions as they now exist, and reduce to writing such testimony as it may deem proper in the premises, and that such committee render its report as soon as possible to the governor of the state and to the secretary of the interior and to each member of congress and also to the legislature of this state at its next biennial session.

## CHAPTER XLIV.

*Assembly Joint Resolution No. 8—Relative to parcels post.*

[Adopted March 10, 1905.]

WHEREAS, The establishment of an up-to-date parcels post would be an inestimable benefit to the State of California and an incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and

Resolution  
relative  
to parcels  
post.

WHEREAS, It has been found possible for the American express companies to unite in giving to the British post office a flat rate of 24 cents on parcels up to eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post; be it

*Resolved*, That the senate and legislature of the State of California hereby join in requesting our representatives in the senate and house of representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by the American express companies to the foreigner, viz: 24 cents for packages up to eleven pounds.

## CHAPTER XLV.

*Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California, an amendment to the Constitution of the state, by amending sections 2 and 23 of article four thereof, relating to the length of legislative sessions, the compensation of members of the legislature and limiting the expense of employes of the senate and assembly.*

[Adopted March 10, 1905.]

The legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said legislature, voting in favor thereof, hereby propose that sections two and twenty-three of article four of the Constitution of the State of California, be amended so as to read as follows:

Section 2. The sessions of the legislature shall commence at 12 o'clock m., on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880, shall be biennial, unless the governor shall, in the interim, convene the legislature by proclamation. No bill shall be introduced in either

Term of  
legislative  
sessions.

house forty days after the commencement of each session without the consent of three fourths of the members thereof.

Compensa-  
tion of  
members  
and  
attachés.

Section 23. The members of the legislature shall receive for their services, the sum of one thousand dollars each per session to be paid at such times during the session as may be provided by law, and mileage to be fixed by law and paid out of the state treasury; such mileage shall not exceed ten cents per mile, and contingent expenses not exceeding twenty-five dollars per member for each session. The legislature may also provide for additional help; but in no case shall the total expense for employés, or attachés, exceed the sum of five hundred dollars (\$500) per day for either house, nor shall the pay of any attaché be increased after he is elected, or appointed.